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ABSTRACT

These proceedings are from a hearing that addressed the so-called "glass ceiling"--the dearth of women in mid- and upper-management level positions in corporations and other organizations. Statements of the following persons are included: Senator Paul Simon; Elsie Vartanian, Director of the Women's Bureau; Senator Robert Dole; Lynn Martin, Secretary, Department of Labor; Representative Susan Molinari; Eleanor Hinton Hoytt, National Council of Negro Women, Inc.; Pat Taylor, National President, National Federation of Business and Professional Women's Clubs; Judith L. Lichtman, President, Women's Legal Defense Fund; Marica D. Greenberger, Co-president, National Women's Law Center; and Eleanor Cutrie Smeal, President, The Feminist Majority Foundation; and Ellen W. Ober. (DB)

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WOMEN AND THE WORKPLACE: THE GLASS CEILING

ED350212

HEARING

BEFORE THE

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

OF THE

COMMITTEE ON LABOR AND HUMAN RESOURCES UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

EXAMINING ISSUES RELATING TO WOMEN IN THE WORKPLACE, FOCUSING ON DISCRIMINATION PRACTICES THAT PREVENT WOMEN AND MINORITIES FROM ADVANCING IN THEIR POSITIONS

OCTOBER 23, 1991

Printed for the use of the Committee on Labor and Human Resources

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WOMEN AND THE WORKPLACE: THE GLASS CEILING

WEDNESDAY, OCTOBER 23, 1991

U.S. SENATE,
SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY,
OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:04 p.m., in room SD-430, Senator Paul Simon (chairman of the subcommittee) presiding.

Present: Senators Simon and Thurmond.

OPENING STATEMENT OF SENATOR SIMON

Senator SIMON. The subcommittee will come to order. This is the second in a series of hearings on women in the workplace. It is addressing particularly the problem of the glass ceiling.

Let me just mention, because I think it is pertinent, three of the witnesses who are victims of the glass ceiling have declined to testify on the basis of the Clarence Thomas/Anita Hill hearings. I hope that in the future we can assure witnesses that they are going to be treated well.

I think there were some positive things that came out of the Clarence Thomas/Anita Hill hearing, one of them being that the issue of sexual harassment has clearly been elevated and we have sensitized the Nation. I think there were some negatives that came out of it, one of the negatives is that—three people who are victims of the glass ceiling are reluctant to testify before Congress.

Let me add that originally Lynn Martin, the Secretary of Labor was going to testify today. I have just learned that her father died this morning and she is not able, understandably, to be here. My sincere condolences to her and her family.

Let me just add, while Lynn Martin and I have had our disagreements, as some of you may know, she was the one who led the way on the House side for standards on sex discrimination and sexual harassment, within the House of Representatives. On the Senate side, prior to the Hill/Thomas hearings, we had 34 members—I was one of them—who voluntarily accepted standards, and I understand some more have indicated that they are accepting similar standards.

This is not the same thing as having Senate rules that are enforceable, and I hope is that we can move in that direction. I have cosponsored legislation in the past that moves in that direction. Senator Grassley, I understand, is going to be introducing a bill.

Senator Ford is going to be introducing a bill as well. I hope we can come out with something.

I am holding a hearing today on women in the workplace and the glass ceiling problem. We learned at the last hearing on July 18, 1991, that although the women in the high school class of 1972, on the average, got higher grades than their male counterparts, and in a variety of measures would appear to be people who would get more money once they graduated from school, in fact, that did not occur.

There has been some improvement in our society. We have moved from 59 cents that the average woman makes compared to a man up to 72 cents, but 72 cents is still a long way from where we ought to be.

We will hear testimony today that although women comprise 40 percent of all executive, management and administrative positions, they remain employed in the middle and lower ranks of corporate America. Furthermore, senior executive positions are almost exclusively filled by men.

Of the top Fortune 500 companies, women comprise 2.6 percent of corporate officers. Of the Fortune 500 industries, women comprise 61 percent of all employees, but only 4.3 percent are corporate officers.

Now, one of the arguments that is made is, well, women are just not in the pipeline yet; they have not been in the pipeline. The reality in the banking field, for example, is only 3 out of 10 employees in the banking field are men, and yet the top executives in the banking field are overwhelmingly men. So we do have a problem in our society, and today we both want to hear about that problem and we want to talk about where we go in dealing with that problem.

[The prepared statement of Senator Simon follows:]

PREPARED STATEMENT OF SENATOR SIMON

On July 18, 1991, I held a hearing on "Women and the Workplace: Looking Toward the Future." At that hearing, we heard informative and compelling testimony.

We learned that although women of the Class of 1972 made a higher quality investment in their education, received better grades than their male counterparts, and used their education on the job—they were not rewarded in the workplace. Indeed, women still earn significantly less than their male counterparts. Overall women earn 72 cents for every dollar a man earns. We also learned that women and minorities still face discrimination in the workplace.

Today's hearing is the second in the series on women and the workplace, and will be focusing on the glass ceiling. The glass ceiling has been described as second generation job discrimination. The glass ceiling is a term that refers not to the barriers to entry into the job market, but rather to the artificial barriers that impede advancement opportunities in the workplace. Those barriers include discrimination based on ignorance, gender and racial stereotyping, and sexual harassment.

Women and minorities have been making unprecedented progress in educational opportunities and entry into employment. However, studies have shown that gender and race influence the probability of working a low-wage job, even for people with equivalent education and work experience.

Job segregation has concentrated women into pink ghettos where low-wages, low-benefits, and limited advancement opportunities are the norm. In 1989, 60 percent of professional women worked in two traditionally female occupations: Teaching and nursing. Only 9 percent of working women were employed in nontraditional jobs.

We will hear testimony today that although women comprise 40 percent of all executive, management, and administrative positions, they remain employed in the middle and lower ranks of corporate America. Furthermore, senior executive positions are almost exclusively filled by men. Of the top Fortune 500 companies, women comprised 2.6 percent of corporate officers. Of the Fortune Service 500 industries, women comprise 61 percent of all employees, but only 4.3 percent are corporate officers.

Women have the experience and skills for advancement. According to a study conducted by Catalyst, a group that conducts research on women and the workplace, women do not lack the technical skills to make it. Women have been going to the same schools as men and represent over half of all college students, 37 percent of all graduate business students, and about 40 percent of law students. Catalyst polled 241 Corporate Executive Officers. Of those that acknowledged the existence of barriers to promotion for women, 81 percent said the barriers are based on misconceptions and stereotyping.

A Russell Reynolds Associate's study reported that significantly more women executives displayed leadership potential than their male counterparts. Moreover, according to the study, unlike men, women in both staff and line positions had leadership potential.

Contrary to arguments that are often made, women generally do not leave their jobs because of family responsibilities. *Don't Blame the Baby,* a study by Wick and Company that researched why women and men managers change jobs, found that the majority of women quit their jobs to pursue a job with greater career satisfaction.

Out-dated stereotypes about what women want in the workplace hinder advancement. As I have said before, and my first hearing illustrated, women want the same things that men want in the workplace, they want good jobs with equitable opportunities for promotions and wages that provide economic self-sufficiency, and benefits that reflect the needs of a changing workforce.

If we want to continue to be a top competitor in the global economy, we must remove the artificial barriers and discrimination that are keeping women and minorities from reaching their potential.

Several of the witnesses noted in their testimony the sad irony of Congress exempting itself from the civil rights laws and obligations we impose on others. I could not agree more. I have cosponsored measures in the past to address this inequity, and I intend to continue to press this issue. Indeed, I am hopeful that the matter will be adequately addressed during consideration of the Civil Rights bill that is before the Senate as we speak. Years ago, discussing

Congress' tendency to exempt itself from various laws, former Senator Sam Erwin said: It seems to suggest that the doctor is willing to provide for patients medicine which he himself would not take.

I think we as a society have learned that the medicine of civil rights protection is good medicine. It is time for Congress to swallow the pill, and when we do, I am sure we will all feel a lot better for it.

I would also like to mention that during her tenure in the United States House of Representatives, Secretary Martin was instrumental in providing some much needed protections for House employees. I congratulate the Secretary for her efforts and her continued commitment to this important issue.

Today speaking on behalf of Lynn Martin is Elsie Vartanian, the director of the Department of Labor's Women's Bureau. We are pleased to have you here, and if you can, please identify the people who are with you.

STATEMENT OF ELSIE VARTANIAN, DIRECTOR OF THE WOMEN'S BUREAU, U.S. DEPARTMENT OF LABOR, ON BEHALF OF LYNN MARTIN, SECRETARY OF LABOR; ACCOMPANIED BY CARI DOMINGUEZ, ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS ADMINISTRATION, AND STEVE HOFFMAN, ASSISTANT SECRETARY FOR INFORMATION AND PUBLIC AFFAIRS

Ms. VARTANIAN. Thank you, Senator.

I have with me, to my right, my colleague, the assistant secretary for Employment Standards and Training, Cari Dominguez, formerly the head of the OFCCP, Office of Contract Compliance; and to my immediate left, Steve Hoffman, the assistant secretary for Information and Public Affairs at the DOL.

Senator SIMON. Thank you.

Ms. VARTANIAN. By way of introduction, I am Elsie Vartanian, the director of the Women's Bureau at the DOL. It is with some reluctance that I appear before you this afternoon, Senator Simon. I am very sorry, as you have mentioned, that Secretary Martin's father passed away, and we are very saddened for her by her loss, but I am very happy to appear here on her behalf to extend to you her greetings and to discuss with you today the Department of Labor's glass ceiling initiative.

I know, as you remarked, that this is the second hearing in a series of hearings that you are holding on issues affecting women in the workplace. I know that Secretary Martin appreciates the opportunity to be a part of a process to make the workplace better for all Americans. Mr. Chairman, she commends you on your leadership in heightening public awareness of these vital issues.

If I may digress for just one moment, we know at the Department of Labor that Secretary Martin in her role in Congress was, in fact, a mentor and a leader in issues of harassment, and we are very proud of the fact that she does have that history and that she has made that commitment.

Certainly, we would hope that, as you pointed out, women who have an opportunity to come before the Senate and to share their experiences with you should not be reluctant to do that; that this is

the forum for it, and we would certainly encourage them to do that.

With me, as I said, is my colleague, Cari Dominguez, newly-confirmed Assistant Secretary for the Employment Standards Administration, and former director of the Office of Federal Contract Compliance Programs.

There are barriers in the workplace that are preventing women and minorities from fully sharing and participating in the American dream. These barriers are known as the glass ceiling. It is called the glass ceiling because you can see through it; you can see that next rung on the corporate ladder, but the glass ceiling keeps you from grasping it. Working hard, sacrificing and paying your dues will get you but so far. That real, yet invisible barrier can keep you from realizing that goal. It prevents you from turning your dream into a reality. The administration is committed, and Secretary Martin is committed to shattering the glass ceiling.

Before I discuss our specific efforts in the department, I would like to take this opportunity to point out that President Bush has taken the initiative and set an example for breaking the glass ceiling in the Executive Branch of our Government. The President has appointed more minorities and women into senior posts in the Federal Government than any other President. Minorities and women now represent 26 percent of the 684 full-time Presidential appointments requiring Senate confirmation. Out of a total 4,791 appointments, 1,823, or 38 percent, are women.

When Secretary Martin was in Congress, she was an advocate of practicing what was preached. Indeed, she is proud of the fact that she had a role in improving for House employees the protection against employment discrimination, and I can assure you that Secretary Martin is trying to do in the Department of Labor.

Once all of her nominees in the department are confirmed, 62 percent of her senior staff will be minorities and women, all of whom are among our brightest and best in public service.

Specifically, our glass ceiling initiative evolves from the mandates that we have been entrusted to carry out and from the unique role of the Labor Department to ensure that America's workforce is second to none.

The Department of Labor launched the glass ceiling initiative to investigate why minorities and women failed for the most part to advance to senior positions in corporate America. The department's publication "Workforce 2000" provides ample evidence that minorities and women have made gains in entering the workforce, but our research also documented a dearth of minorities and women at mid- and upper-management levels, the so-called glass ceiling.

This initiative combined compliance reviews of nine Fortune 500 corporations with an evaluation of independent research and lengthy discussions with representatives from business, labor, women's and civil rights organizations. The companies audited ranged in size from fewer than 8,000 employees to more than 300,000. They were from seven industry groups and were located in five geographic regions of the United States.

On August 8, 1991, the Secretary released her report on the glass ceiling initiative, which contained the results of our compliance reviews. While nine reviews do not define the universe, they do give

us a clear sign that the progress of minorities and women is being affected by more than just qualifications and career choices.

The reviews revealed that, A, glass ceilings exist at much lower levels of management than originally thought; that minorities have plateaued at lower levels of the workforce than women; that barriers based on attitudinal and organizational bias exist that deny qualified minorities and women opportunities for career advancement; and there are steps that companies can take to identify and eliminate the effects these barriers have on minorities and women.

Most of the companies we reviewed truly believed they were fulfilling their obligations as Federal contractors. Each company, because of differences in the nature of its business, its corporate culture, had different methods for developing individuals. But most of the companies had one thing in common. They didn't make these opportunities as available to minorities and women, and they didn't monitor these experiences, like special training or sitting on corporate task forces and committees for equal opportunity and access.

Word-of-mouth referrals, informal networking and mentoring were used by a number of companies to select senior management—methods that, by their nature, make it easy to ignore or forget that the company must not only make those decisions in a nondiscriminatory manner, but also should actively recruit from all segments of the labor force.

With the release of our report, the department also announced a comprehensive and long-term program to remove glass ceiling barriers. The thrust of our program is designed to reach beyond the immediate world of Federal contractors to all of the Nation's employees and workplaces. Our strategy is a three-pronged effort.

Compliance reviews: We will continue corporate management reviews by the Office of Federal Contract Compliance Programs. These include a thorough analysis of glass ceiling issues as part of the department's legal responsibility to ensure that Federal contractors live up to their obligations not to discriminate and to actively recruit and provide training and advancement opportunities to all individuals with talent and desire. In fact, some of these reviews are currently underway, and since August 8 over 1,000 hours have been spent on glass ceiling assistance by OFCCP.

The committee should be aware, however, that corporate management reviews take a good deal of time, use substantial personnel resources, and require a high level of training in compliance procedures. The nine pilot studies took almost a full year to complete, and while we anticipate this year's reviews to take less time and to draw upon a better trained staff, there are a lot more companies than compliance resources. So we must use public education and technical assistance to reach a wider corporate audience.

This said, when these lapses were pointed out, most companies responded positively. For instance, one firm initiated a number of innovative, proactive programs, such as setting up scholarship funds and internship programs for minority and/or female students in communities where its plants were located, and establishing special working relationships with outside organizations like the Urban League.

As part of our public education program, before I detail our effort to reach out not only to the full contractor community, but all employers, let me say that since the release of our study, many members of the corporate community have come forward in substantial numbers to let us know what they are doing proactively to remove their glass ceiling barriers.

This feedback from the corporate world has energized our outreach effort. The Secretary has directed one of what I think is the department's outstanding agencies, the Women's Bureau, to spearhead this drive. The Bureau is meeting with CEO's and other business leaders across the country. It is meeting on an individual basis, at local meetings and at regional conferences, promoting the need for commitment from the highest levels of the corporate structure to review internal programs and policies for career development.

Since September 1, the Bureau has held or participated in 14 major events around the country involving employers, employees, women and minorities. We are exploring nationwide efforts with the National Alliance of Business, the National Association of Manufacturers, and a number of leading minority organizations.

The third prong of our program is a public recognition awards program for businesses and organizations that are working to remove artificial barriers and ensure equal access to opportunities to qualified women and minorities. Last month, the Secretary presented the Secretary's Opportunity 2000 Award to Johnson and Johnson for its exemplary efforts in ensuring equal access in development opportunities to all talented individuals, including women and minorities.

In addition, ten companies received Exemplary Voluntary Efforts, what we call the EVE awards, for ensuring equal access and enhancing upward mobility opportunities. The ten recipients this year were Anheuser-Busch Companies, Consolidated Diesel Company, Jet Propulsion Laboratory, the Applied Physics Laboratory, Johns Hopkins University, Jones Plastics and Engineering Corporation, Polaroid Corporation, Puedo Corporation Liaison Group, Southern Bell of Georgia, Steel Case, Incorporated, and Tenneco, Incorporated.

Senator Dole and Representative Molinari have shown a tremendous commitment to this glass ceiling issue. Their respective bills exemplify this concern. Both Senator Dole and Representative Molinari have been effective leaders on issues concerning workplace fairness and equity for minorities and women.

Their proposed Glass Ceiling Commission Act would build upon the efforts we have started at the Department of Labor to enhance our understanding of this issue. For example, like the department's initiative, the Dole-Molinari proposals would study the glass ceiling issue. Our department has studied this issue in depth. We understand the problems that exist, and we continue to have an ongoing dialogue on these issues with interested parties.

The Dole-Molinari bills would also require issuance of a report to Congress and to the President. The Secretary has issued a similar report outlining the problem and the administration's course of action. Finally, the Dole-Molinari bills propose the establishment of an award to go to companies which enhance the upward mobility

for minorities and women. As I mentioned a moment ago, we currently have such an awards program in place in DOL.

Secretary Martin commends the Dole-Molinari bills as laudable efforts, and, as noted, we have already implemented many of their proposals at the Department of Labor. She looks forward to working with Senator Dole and Representative Molinari in further addressing the glass ceiling issue.

Our mandates are not discretionary; they must be carried out fairly, firmly and fully. It is important to remember that the glass ceiling initiative is driven not by our mandates, but also by shifting demographics and business changes. It makes demographic sense due to our increasingly diverse workforce.

We know that by the year 2000, 85 percent of the net growth in the workforce will be minorities and women. Consequently, the bottom-line profitability of American businesses will be dependent on empowering employees, no matter who or where they are. The glass ceiling hinders not only individuals, but society as a whole. It effectively cuts our pool of potential corporate leaders by eliminating more than one-half of our workforce. It deprives our economy of new leaders, new sources of creativity, and the would-be pioneers of the business world.

To compete successfully in today's global market, we must unleash the full potential of the American workforce. We can no longer afford to waste our human resources. We must capitalize on and make fullest use of the talents and capabilities of our entire workforce. The glass ceiling initiative helps us to do that, to be a catalyst for change, for necessary, positive change.

Thank you, Mr. Chairman, for the courtesy of allowing me to provide this this afternoon. This concludes Secretary Martin's prepared statement and my colleagues and I would both be pleased to answer any questions.

Senator SIMON. Thank you very much. Once again, I want to commend Secretary Martin for her leadership when she was in the House on this whole issue, and to commend the Secretary for releasing the glass ceiling report. I am not sure whether she or Secretary Dole started it, but whoever did, it was something well worth doing.

Before I proceed with my questioning, we have a very freshman member of the Senate who has shown up here. [Laughter.]

Senator Strom Thurmond, we are pleased to have you here.

Senator THURMOND. Thank you very much, Mr. Chairman. It is a pleasure for me to be here this afternoon to receive testimony about the glass ceiling, a name penned to generally describe the barriers women and minorities face in attaining executive positions in corporate America and the Federal Government.

I am particularly pleased that the Secretary of Labor had planned to be here. Unfortunately, she could not come and sent representatives. I understand her father passed away, is that correct?

Ms. VARTANIAN. That is correct, Senator.

Senator THURMOND. And Representative Susan Molinari—is she here? I believe she is to be here, too, and several other panelists are here.

I am pleased to be an original cosponsor of S. 1711, the Glass Ceiling Act of 1991, a bill introduced by the distinguished Minority Leader, Senator Dole. This legislation builds upon the groundwork that has been laid at the Department of Labor over the past few years. In particular, the bill establishes a 17-member Glass Ceiling Commission to examine practices and policies which may impede the advancement of women and minorities to executive positions.

I would also like to take this opportunity to commend Secretary Martin for her fine work as Secretary of Labor, and specifically for her work in placing talented women and minorities in top positions of leadership at the department. I note from her written statement that once all nominees from the department are confirmed, 62 percent—I repeat, 62 percent—of her senior staff will be minorities and women. Is that figure correct?

Ms. VARTANIAN. That is correct, Senator.

Senator THURMOND. That is an unusually fine record.

In addition, in August of this year, the Department of Labor issued a report on the glass ceiling initiative. This report found, among other things, that glass ceilings exist at lower levels of management than originally thought, and that certain attitudinal and organizational barriers result in few minorities and women advancing to upper-level management positions.

Mr. Chairman, there is no question but that all candidates for executive positions should be given full and fair consideration based on their individual merits. The real question seems to be what is the proper role for the Federal Government in this matter.

Again, it is a pleasure to be here, and since I have another appointment in a few minutes, I have to leave, but I would like to hear the statement by Representative Molinari before she goes, if possible.

Thank you very much, Mr. Chairman.

Senator SIMON. Thank you very much, Senator Thurmond.

Senator Dole also has some written testimony that will be entered in the record.

[The prepared statement of Senator Dole follows:]

PREPARED STATEMENT OF SENATOR DOLE

I commend the distinguished chairman for calling this hearing as one of a series of hearings on women and the workplace. The issues we are addressing this afternoon are critically important to understanding the problems faced by women and minorities as they seek to move up the corporate ladder. By further exploring the dimensions and nature of this problem, we can develop an effective response that will ensure that the Glass Ceiling meets the same fate as the Berlin Wall.

The goal is to ensure equal access and equal opportunity. These principles are fundamental to the establishment of this great Nation and the cornerstone of what other nations and other people consider unique to the United States—namely, the possibility for everyone to go as far as their talents and hard work will take them.

Unfortunately, the American dream may not be as easy for some to pursue as for others. A recent study by the UCLA Anderson

Graduate School of Management and the Korn-Ferry management firm found that while women and minorities currently account for over half of the work force, they hold less than 5 percent of upper level positions in the nation's 1,000 largest corporations. This represents a mere 2 percent increase since 1979. If one focuses the spotlight on the position of chief executive officer of the 500 largest companies in America, only two are women, and only one is a minority.

While there is no "right" or "correct" number, and my opposition to any notion of quotas could not be stronger and more deeply felt, the foregoing suggests that artificial barriers exist with respect to the upward mobility of women and minorities.

These conclusions are bolstered by a study, "A Report on the Glass Ceiling Initiative," prepared by the Department of Labor and released this past August. I congratulate Secretary of Labor, Lynn Martin, and her predecessor whose understanding of and commitment to this important issue I have some familiarity with, on the initiation and completion of this report.

The basis of this report involved corporate management reviews of nine *Fortune* 500 companies, evaluation of independent research, and discussions with representatives from business, labor, and women's and civil rights organizations. While this study did not present a scientific' sample, it yielded the finding that there is a point beyond which women and minorities have not advanced in some companies. Specifically, the report found that existing attitudinal and organizational barriers are an indication that the progress of women and minorities in corporate America is affected by more than Just qualifications and career choices. The barriers identified by the report ranged from a corporate "club-like" culture to differential practices and credential building experiences.

The legislation I have introduced, S. 1711, the Glass Ceiling Act of 1991, seeks to build upon the important work begun by the Department of Labor and reflected in its report.

This legislation establishes the Glass Ceiling Commission which is provided with the resources and powers to examine those practices and policies in corporate America which impede the advancement of women and minorities.

Second, this legislation specifically charges the Commission with preparing a report for the President and Congress due 15 months after enactment examining the reasons behind the existence of the glass ceiling and making recommendations with respect to policies which would eliminate any artificial barriers to the advancement of women and minorities.

Finally, this legislation provides for the establishment of the "National Award for Diversity and Excellence in American Executive Management" to be made by the President on an annual basis to a business which has made substantial efforts to promote opportunities for women and minorities to advance to top levels.

Mr. Chairman, the purpose of this legislation is very straightforward: It is to expand and improve the record on a very important issue. With a better understanding of the nature and scope of the problem, we will be in a strong position to provide for the destruction of the glass ceiling.

It is my firm belief and my firm commitment that by raising the national awareness of the existence of the glass ceiling from the assembly line to the board room, by studying why the glass ceiling exists and what holds it up, and finally by having recommendations in hand as to how corporate America can break that ceiling, we will have ensured that everyone has access to the same employment opportunities.

It's all a matter of simple fairness, and it's all a matter of the American dream. That's why this hearing is so important, and that's why the enactment of S. 1711 is so important. Thank you.

S. 1711—THE GLASS CEILING ACT OF 1991

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. Section 1 sets forth the short title of the Act, the "Glass Ceiling Act of 1991."

Section 2. Findings and Purpose. Section 2 sets forth the findings and purpose of the Act.

Section 3. Establishment of Glass Ceiling Commission. Section 3 establishes the "Glass Ceiling Commission" and authorizes the appointment of 17 persons, five of whom are appointed by the President, three of whom are appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate, one of whom is appointed by the Majority Leader of the House of Representatives, one of whom is appointed by the Minority Leader of the House of Representatives, one of whom is appointed by the Majority Leader of the Senate, one of whom is appointed by the Minority Leader of the Senate, two of whom are Members of the House of Representatives appointed jointly by the Majority Leader and the Minority Leader of the House of Representatives, two of whom are Members of the Senate appointed jointly by the Majority Leader and the Minority Leader of the Senate, and one of whom is the Secretary of Labor who is also the Chairperson of the Commission. This section also specifies that in making their appointments, the Speaker of the House of Representatives and the Majority Leader of the Senate, in connection with their jointly-made appointments, and the President should consider the background of each appointee, including individuals from business and from organizations representing women and minorities, as well as individuals with academic expertise or other recognized ability regarding employment and discrimination issues. Appointment is for the life of the commission.

This section also specifies rates of pay for members who are not public officials, authorizes payment for travel costs, fixes a quorum for meetings, and requires that the Commission hold a minimum of five meetings prior to the completion of its report and once a year thereafter.

Section 4. Research on Advancement of Women and Minorities to Management and Decisionmaking Positions in Business. Section 4 requires the Commission to conduct a comprehensive study concerning opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including the preparedness of women and minorities to advance to decisionmaking positions, businesses in

which women and minorities are promoted to such positions and those in which they do not receive advancement opportunities, practices and policies which result in a diverse workforce and the successful promotion of women and minorities to management positions, and other matters related to the glass ceiling. This section also requires that the report contain recommendations relating to the promotion of opportunities for, and the elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. This section further provides that the report of the Commission must be completed within 15 months after the date of enactment and identifies to whom it is to be sent. Finally, this section provides that the Commission may conduct such additional research and study relating to the glass ceiling as a majority of its members determines to be necessary upon the completion and dissemination of its report.

Section 5. Establishment of the National Award for Diversity and Excellence in American Executive Management. Section 5 establishes the "National Award for Diversity and Excellence in American Executive Management" to be presented on an annual basis by the President or the designated representative of the President to a business which has made substantial efforts to promote the opportunities and developmental experiences of women and minorities to foster their advancement to management and decisionmaking positions (including the elimination of artificial barriers to such advancement) and is deserving special recognition as a consequence.

Section 6. Powers of the Commission. Section 6 prescribes the powers of the Commission, including conducting hearings, taking testimony, entering into contracts, making expenditures, and receiving voluntary service, gifts, and donations.

Section 7. Confidentiality of Information. Section 7 requires that all information acquired by the Commission in carrying out its duties relating to the employment practices and procedures of individual businesses and regarding employees of the business shall be kept confidential unless the prior written consent of the particular business or employee, as the case may be, is obtained. Information concerning the aggregate employment practices and procedures of a class or group of businesses or the employees of such businesses is not subject to this confidentiality restriction.

Section 8. Staff and Consultants. Section 8 authorizes the Commission to appoint staff and employ experts and consultants and sets out rates of pay for such individuals. This section also authorizes the Commission to obtain materials, personnel, or other support from Federal agencies.

Section 9. Authorization of Appropriations. Section 9 authorizes the appropriation of such sums as are necessary to carry out the provisions of the Act, which sums are to remain available until spent, without fiscal year limitation.

Section 10. Termination. Section 10 provides that the Commission and the authority to make the award will terminate 4 years after the date of enactment.

Senator SIMON. I also understand we have 21 women from Eastern Europe who are guests of the Department of Labor. We are very honored to have you here, and I hope you don't get any bad

lessons on how democracy works from this hearing here today. [Laughter.] We are very pleased to have you here.

You mentioned, Ms. Vartanian—and it is good to have an Armenian name here.

Ms. VARTANIAN. Thank you.

Senator SIMON. It is not very often that that happens. It is another indication of reaching out.

Ms. VARTANIAN. It is.

Senator SIMON. And I am pleased to have you here.

Ms. VARTANIAN. Thank you.

Senator SIMON. You mentioned the word "mentoring," and in your report you go into this and I thought it was one of the interesting aspects of the report. How does mentoring work against women? Can you explain it for us here?

Ms. VARTANIAN. Well, it can work in one of two ways, Senator. We found that mentoring takes place in a great many instances by someone who takes a concern——

Senator SIMON. Can you first explain what you mean by mentoring?

Ms. VARTANIAN. Well, it is fostering a relationship, providing advice, providing understanding, education as to some of the things that will help you to get ahead in business. And very often in business, we find that mentors play a very leading role in being able to help assist people up through the corporate ladder.

It is no secret that very often whom you mentor is someone very much like yourself. If you are a man who plays golf and likes to play golf, you are apt to meet with a gentleman who likes to play golf. You get acquainted with him. He has a son that you know is very capable, and so that person is brought into the corporate structure and you sort of mentor him and counsel him and give him ideas of how he can get ahead—where he should be, what committees he really should serve on.

That has an exclusionary process in that it can impede a woman or minority from getting ahead if that woman or minority has not been allowed the access to that particular mentor. We found in a very small study that we did at the Women's Bureau, which does not have as much validity as I would like because it is as small a study as it is—however, it did show us, interestingly enough, in banking and finance, which you, in fact, mentioned in your remarks, Senator, that women who had been mentored and had received networking advice were better able to break through the glass ceiling than those that had not. So it can be positive for women if they are able to achieve mentors.

Senator SIMON. You mentioned public relations; we have to reach out to the public. I hope we are doing that, in part, with this hearing. I also think it is important that the Commerce Department—not simply the Labor Department, but the Commerce Department because it is dealing with the business community much more, should be reaching out.

I don't mean to put you on the spot, and maybe you don't know the answer for this, but is there any leadership coming from the Commerce Department in this area?

Ms. VARTANIAN. I don't know that I could specifically address it, but only to say that I think by the Secretary's leadership on the

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entire topic, all of the agencies are beginning to look at the glass ceiling issue, and I am certain that Commerce is going to be addressing it in their own way, but I would have no direct knowledge of that, Senator.

Senator SIMON. I will send a letter to the Secretary and include the response in the record.

[The information referred to follows:]

LETTER FROM SENATOR SIMON TO SECRETARY MARTIN AND RESPONSE FROM SECRETARY MARTIN

U.S. SENATE,
November 5, 1991.

The Honorable Lynn Martin,
Secretary, U.S. Department of Labor,
Washington, DC.

DEAR LYNN: I appreciated Elise Vartanian, Director of the Woman's Bureau, testifying in your behalf before the Senate Labor and Human Resources' Subcommittee on Employment and Productivity regarding the glass ceiling. She represented you and the department well. Again, my sincere sympathy to you and your family in regard to the loss of your father.

As I said at the hearing, we have had our differences on other issues in the past, but this is one issue on which we agree.

I have a few questions for the record. The department has about 500 investigative staff to conduct affirmative-action reviews of entry level hiring by 250,000 contractors who do an estimated $200 billion dollars worth of business with the Federal Government. Furthermore, I understand that the glass ceiling reviews are costly and time consuming. Ms. Cari Dominguez testified that the department OFFCP does not require any more resources to do glass ceiling reviews, but more expertise. Could you please expand on this? In addition, what would the department need in terms of resources to do all the compliance reviews, both entry-level and glass ceiling reviews.

I also requested at the hearing that the department submit for the hearing record a letter to me indicating where OFCCP is at now with regard to glass ceiling reviews, where you would like to be a year from now, and where you would like to be 2 years from now. Furthermore, I would appreciate your including specific strategies you and OFCCP are undertaking and a timeline in regard to implementing and analyzing the effectiveness of those strategies.

Thank you for responding to my inquires in timely manner. If you have any questions, please feel free to contact me.

My best wishes.

Cordially,

PAUL SIMON,
U.S. Senator

U.S. DEPARTMENT OF LABOR, SECRETARY OF LABOR,
Washington, DC, January 13, 1992.

The Honorable PAUL SIMON,
United States Senate,
Washington, DC.

DEAR SENATOR SIMON: Thank you for your letter conveying such positive comments about the testimony presented by members of my senior staff before the Senate Labor and Human Resources' Subcommittee on Employment and Productivity. The loss of my father prevented me from testifying personally, and I again want to thank you for the warm expression of support which meant so much to me and my family.

Let me now clarify some issues and respond to the questions raised in your letter. There seems to be a misunderstanding regarding the compliance review activities carried out by our compliance officers. In your letter, you stated that we have "about 500 investigative staff to conduct affirmative action reviews of entry-level hiring . . ." Our compliance officers conduct thousands of annual reviews involving all levels and areas of employment, including entry-level. These reviews assess the equal employment opportunity performance of Federal contractors in their hiring,

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promotion, retention, and developmental practices. Our glass ceiling reviews add another dimension to that process—that of looking in a more focused way at the selection practices affecting upper-level jobs.

This added dimension requires expertise which we are developing internally. The Office of Federal Contract Compliance Programs (OFCCP) soon will be publishing a guide for conducting glass ceiling reviews, which distills the experience gained during the initial "pilot" reviews. This guide will be refined by experience gained over this fiscal year. We hope that a side benefit of publishing guidance will be to encourage corporations to examine their own practices independent of our presence.

Due to the complexity and sophistication involved in senior management selection issues, the quality and effectiveness of reviews not just the number becomes important. My objective is to include an examination of glass ceiling issues as a component of OFCCP compliance reviews of headquarters' establishments as soon as possible. As the result both of our efforts and the independent efforts of private industry, we expect to see the effects of the overall glass ceiling initiative in more inclusive participation of women and minorities in higher-level corporate management.

Again, I share your commitment to this issue and look forward to working with you in this effort.

Sincerely,

LYNN MARTIN

Ms. VARTANIAN. I think, if I may add, also, it is my understanding that the Secretary has, in fact, reached out to all of the agencies by sending to each one of the secretaries a copy of the report and her covering concern about it. So I believe she is also conducting that same type of outreach.

Senator SIMON. You mention in your statement, "Glass ceilings exist at much lower levels of management than originally thought." Do you want to expand on that?

Ms. VARTANIAN. Well, I would defer to OFCCP for the exact levels of that, and I think that my colleague would be able to address that much more specifically, Senator, if I may do that.

Senator SIMON. Yes.

Ms. DOMINGUEZ. OK, thank you, Elsie. Mr. Chairman, when we conducted the nine glass ceiling reviews—as you know, the report evolved from our nine compliance reviews—we went in with the assumption that with 25 years of having more women and minorities entering the workforce, we would find them in much higher levels in the organization.

So when we devised our strategy, we were prepared to look at perhaps executive vice president levels, senior vice president levels. And lo and behold, our surprise was startling to find that the glass ceiling levels vary depending on the function. If you happen to be in a staff function, your glass ceiling was at a much higher level than if you were in a line function, where women and minorities are just beginning to break through. We found more women than we did minorities in any instance.

The nine companies that we reviewed represented a broad range of industries, and therefore I think it is safe to say that depending on the industry, and even within the industry, depending on the company and the company's culture, you would find women and minorities at various levels.

Senator SIMON. And you use an interesting phrase, "company culture." If I may address this to you—and any of you, feel free to answer—in fact, we just received a report that mortgages are being denied to minorities in disproportionate numbers when equal kinds

of financial statements are given. Financial officers in banks tend to be men.

What we have learned about African Americans and Hispanic Americans in regard to being turned down on mortgages is probably also true—perhaps to a lesser percentage figure, but probably also true for women who apply for mortgages, for this very reason of this company culture you are talking about. Am I making an assumption that is invalid, or what is your impression?

Ms. DOMINGUEZ. Well, speaking from experience, in fact, my background—I did come from a banking background, and speaking from experience I have to say that there have not been as many women and minorities entering the field of commercial banking, lending officers, and so on.

I can't address the lending practices, but certainly from the employment perspective, it might be a way of breaking through those barriers if we can have more minority and women lending officers doing the lending in those communities in which these groups live.

Ms. VARTANIAN. If I may expand upon that theory, also, Senator, when you talk about a corporate culture, it is quite different from what it has been. The corporate community is changing. There are rapid changes taking place in the business world today, and so you have multinational companies that deal with many different cultures.

You yourself pointed out the fact that my name is Armenian, that Cari Dominguez' name is Hispanic. Companies are finding in their own cultures, within their own private little world, that they are going to have to deal and learn to communicate with many different cultures in terms of their potential employees and the way that they are treated as they move up through the ranks.

And so anything that discriminates against someone who speaks with a different ethnicity, who looks a little different, who dresses a little different—that is called managing diversity, and it is something that companies are very much aware of today, and the glass ceiling becomes a part of an overall issue of managing diversity. I think that is what we feel strongly about, that diversity needs to be well-managed and that all cultures need to be addressed through this issue.

Mr. HOFFMAN. Senator, if I can also add, I think you have made an important distinction that was part of our study, and Cari, who led the study, I think would agree with this. The kind of behavior that we found in the corporate culture was in most instances far less willful than perhaps you would find in actual areas of housing discrimination or actual areas of employment discrimination.

Where there were barriers that we found, in many instances the companies themselves, because of their culture, because of their background, because of where they recruit people, did not necessarily understand and realize just what they were producing in terms of career patterns for their executives.

That is a very different process, and it is a more subtle process, and understanding the distinction, we found, was very helpful in identifying the barriers, and is also very helpful in looking at ways to bring companies into compliance and get rid of these barriers. So there is an important distinction between willful and these more subtle activities.

Senator SIMON. I think that is an important contribution. Let me just mention that two of the companies—I am not going to identify them because this would not be fair, but two of the companies that you mentioned who had received DOL awards—and this may have changed because this is a 1990 study, but one of them only had 1 woman out of 15 directors. Another has 2 of 13 directors who are women, or 13.3 percent. Nationally, only 6.7 percent of Fortune 500 company directors are women. In terms of corporate officers in Fortune 500 companies, neither company that was mentioned here had, as of 1990, any women officers. Now, that may have improved, and I hope it has improved, but it is illustrative. Even those that are more sensitive and more progressive still have a very long way to go.

One final question and then I want to yield to my colleague. You mentioned the education process that is taking place with your Office of Federal Procurement, and you mention it is a very slow process because of limited personnel.

Obviously, we face major budget constraints, and I serve on the Budget Committee, but how many more personnel would you need in that office to really do a significantly more effective job?

Ms. DOMINGUEZ. Well, Mr. Chairman, it is always very tempting to say that, you know, if we had another 100, we would be 100 times as effective. I think what we found, though—a couple of years ago, we started with the same level of resources and, frankly, our need has been in developing the expertise.

OFCCP has been very good at looking at manufacturing-type establishments, entry level; you know, some are in bargaining units, others are not. This is a much more sophisticated set of issues and selection decisions that are being made, and I think that our need really lies in developing the expertise, which is what we are trying to do.

The reviews are being conducted by the most senior members of the OFCCP. I have personally handled some. My most senior, both in the national office and regional office, managers have been personally meeting with the most senior officers in these corporations because here we are talking about what I consider the family jewels, you know—who gets to be a high-potential person, who gets selected to be a senior vice president.

Even within those companies, that information is not well known. So we have dealt with great sensitivity, with great understanding of the importance of confidentiality, and we do think that developing the procedures, developing the guidance and the expertise, is where our thrust lies right now. I don't think that throwing more resources right now would really help us as much as it helps us to develop the expertise.

Senator SIMON. OK. Could you, Ms. Vartanian, have the Secretary send me a letter saying where you are now, where you would like to be a year from now, where you would like to be 2 years from now in this field?

Ms. VARTANIAN. Surely.

Senator SIMON. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman. Ms. Vartanian, now that we have the August 1991 glass ceiling report from the Department of Labor, what recommendations do you have for policy-

makers on what direction we should proceed to address some of those concerns?

Ms. VARTANIAN. I think we need to continue our outreach in terms of reaching the business community, Senator, and developing an outreach program that meets with trade associations and industry leaders and alerts them to the significance of the statistics on this glass ceiling.

I think we need to continue our compliance reviews in order to alert business and industry to the attitudinal and organizational barriers that do exist for women and minorities in the corporations. I think the Dole and Molinari bills are very fine examples of what needs to be done to supplement our process, Senator.

Senator THURMOND. Ms. Vartanian, taking a look at the big picture for a moment, what do you suggest is the proper role for the Federal Government with respect to the glass ceiling in both the public and private sectors?

Ms. VARTANIAN. Well, I believe that we need to continue to do the effort that we are doing at the Department of Labor. I think the administration has made a strong commitment to seeing that the glass ceiling is broken, and I think that through the Dole and Molinari bills that we will have the opportunity to address the issue.

I think that public awareness and outreach, that contract compliance, that awarding companies that have shown a responsiveness to this issue are all parts of what we should do to make them well aware of the problem.

Ms. DOMINGUEZ. If I may add, Senator Thurmond, I think that this is an issue that everybody is talking about. If you talk to shareholders, one of the first questions raised at shareholders meetings is why don't we have more women and minorities in positions of leadership. If you talk to community groups, the same questions are being raised.

Employees themselves are bringing in these expectations, and I think the Government, and certainly this body through its commendable work, as exemplified here this afternoon, need to continue to heighten awareness and to carry out the necessary steps to make sure that this issue continues to be in the minds of people.

Senator THURMOND. Has the Labor Department taken any specific steps to contact the different industries and make suggestions to them——

Ms. VARTANIAN. Yes, sir.

Senator THURMOND [continuing]. Either in general communications or in specific communications?

Ms. VARTANIAN. We are doing it through outreach to individual industries through trade associations, through industry groups, through the constituency groups, human resource groups that we have to develop forms, to develop focus groups, roundtables and discussion groups.

We have developed a component at the Department of Labor for our workforce quality clearinghouse in which we will develop, in concert with OFCCP, a definition of glass ceiling best practices. We will be developing a bibliography within the Women's Bureau of all source materials that are available, studies that are being completed and have been done, in order to make information available to

everyone that needs to call in for that. So we are developing a whole strategy in order to enable business and industry to have at their disposal all of the information that we have.

Mr. HOFFMAN. Senator, let me also add on behalf of Secretary Martin that she has very much dedicated her activities to this issue. There is not a speech that she gives, no matter what the subject that is put before her, that she does not speak forcefully and directly to business organizations, labor unions, community groups to remind them that this is an issue they have to tackle.

There is not a meeting that she has with a CEO, with a business representative, again with the labor unions, where she doesn't use that opportunity to remind them and tell them that the Federal Government is serious about identifying and breaking down these barriers, working in partnership with business, with unions, with American workers.

She is dedicated very much to this as a priority issue and has directed the other agencies in the department to do so. Within the department itself, we are taking a look at whether we ourselves have a glass ceiling, and Elsie can speak to that as one of the co-chairs of that effort.

Ms. VARTANIAN. Thank you, Steve. He is absolutely correct. We have created an internal task force at the DOL which is looking at our own agencies and considering the possibility of doing our own internal audits to see where our glass ceiling exists within the DOL.

And as Steve points out, neither Cari nor I would be here today if it were not for Secretary Martin's strong resolve to keep this issue in the forefront. And with her direction, I have been on the road 3 days this week already around the country doing nothing but talking with business and industry leaders about the very issue.

Ms. DOMINGUEZ. I might add——

Senator THURMOND. Do you know—excuse me. Go ahead.

Ms. DOMINGUEZ. I was just going to add that she is certainly committed to shattering the glass ceiling, and the fact that Steve Hoffman is with us here today is an indication of that.

Mr. HOFFMAN. Thank you.

Senator THURMOND. I know there has been a big change since I have been here in the Senate. I have been here for 37 years, before you were born.

Ms. VARTANIAN. Oh, aren't you kind. [Laughter.]

Senator THURMOND. I know in my office now, we have a number of heads of the departments who are women, and I have tried to make it a point. My chief of legislation is a woman, and many others in the office. There has been a great change, and I am sure as time passes that will continue to improve.

I guess your greatest weapon is persuasion, isn't it, more or less?

Ms. VARTANIAN. Well, it is persuasion, Senator, but it is also the foresight of someone like yourself who is a role model in making certain that women and minorities have an opportunity, and for Senator Simon and those of you that take a strong interest in this, that you have stepped forward and you are aware of the problem and you are making efforts to correct it. It is that very kind of attention to the issue which will help the country as a whole.

Senator THURMOND. I think it is just this simple: For instance, I have got 2 boys and 2 girls; I want to see that those girls have the same opportunities as those boys. I think every parent today would feel that way.

Ms. VARTANIAN. Well, I am old enough to be a grandmother and I sure want to see my granddaughter have that opportunity, Senator.

Senator THURMOND. Well, you don't look like it. [Laughter.] Thank you very much.

Senator SIMON. We thank you very much for your testimony and for your leadership. And let me just add, also, part of this is education, but part of the education process is having compliance with Federal law. And if you want to get a Federal contract, if you are discriminating, you don't get a Federal contract. And people who may not be people of goodwill, necessarily, but who are interested in getting some contracts need to learn part of the way you get a contract is to see that there are opportunities there for everyone.

Mr. HOFFMAN. Senator, there is no separating public education and the outreach from the enforcement responsibilities that we have as a department. The Secretary is firmly committed to that.

Senator SIMON. I agree. Thank you very much.

Ms. VARTANIAN. Thank you very much, Senator.

[The prepared statement of Secretary Martin follows:]

PREPARED STATEMENT OF SECRETARY MARTIN

Mr. Chairman and members of the committee: Thank you for inviting me here today to discuss the Department of Labor's Glass Ceiling Initiative. With me are Cari Dominguez, newly confirmed Assistant Secretary for the Employment Standards Administration and former Director of the Office of Federal Contract Compliance Programs, and Elsie Vartanian, Director of the Women's Bureau.

There are barriers in the workplace that are preventing women and minorities from fully sharing and participating in the American dream. These barriers are known as the "glass ceiling." It is called the glass ceiling because you can see through it; you can see that next rung on the corporate ladder, but the glass ceiling keeps you from grasping it. Working hard, sacrificing, and paying your dues will get you but so far. That real, yet invisible, barrier can keep you from realizing that goal. It prevents you from turning your dream into a reality. The administration is committed—I am committed—to shattering the glass ceiling.

Before I discuss our specific efforts in the department, I would like to take this opportunity to point out that President Bush has taken the initiative and set an example for breaking the glass ceiling in the Executive branch of our government. The President has appointed more minorities and women into senior posts in the Federal Government than any other president. Minorities and women now represent 26 percent of the 684 full-time presidential appointments requiring Senate confirmation. Out of a total of 4,791 appointments—1,823 or 38 percent are women.

When I was in Congress I was an advocate of practicing what we preached. Indeed, I'm proud of the fact that I had a role in improving for House employees the protection against employment discrimination. And, I can assure you, I am trying to do so in the Department of Labor. Once all of my nominees in the department are confirmed, 62 percent of my senior staff will be minorities and women, all of whom are among our best and brightest in public service.

Specifically, our Glass Ceiling Initiative evolves from the mandates that we have been entrusted to carry out, and from the unique role of the Labor Department to ensure that America's workforce is second to none.

Americans believe in merit. They believe in opportunity for all our citizens. That's why a glass ceiling, when it exists, hinders not only individuals, but society as a whole. To allow race or gender to prescribe occupational rewards frustrates the tremendous talents of millions of Americans. Our Nation cannot afford to ignore any longer our economy's pressing need for even-handed recognition of achievement in education and in the workplace. We must capitalize on all of our resources.

The Department of Labor launched the Glass Ceiling Initiative to investigate why minorities and women failed, for the most part, to advance to senior positions in corporate America. The department's publication Workforce 2000 provides ample evidence that minorities and women have made gains in entering the workforce. But our research also documented a dearth of minorities and women at mid and upper management levels—the so-called, "glass ceiling." This Initiative combined compliance reviews of nine Fortune 500 corporations with an evaluation of independent research and lengthy discussions with representatives from business, labor, women's and civil rights organizations.

The companies audited ranged in size from fewer than 8,000 employees to more than 300,000. They were from seven industry groups, and were located in five geographic regions of the United States.

On August 8, 1991, I released A Report on the Glass Ceiling Initiative, which contained the results of our compliance reviews. While nine reviews do not define the universe, they do give us clear signs that the progress of minorities and women is being affected by more than just qualifications and career choices. The reviews revealed that:

—glass ceilings exist at much lower levels of management than originally thought;
—minorities have plateaued at lower levels of the workforce than women; .
—barriers, based on attitudinal and organizational bias, exist that deny qualified minorities and women opportunities for career advancement; and,
—there are steps that companies can take to identify and eliminate the effects those barriers have on minorities and women.

Most of the companies we reviewed truly believed they were fulfilling their obligations as Federal contractors. Each company, because of differences in the nature of its business, its corporate culture, had different methods for developing individuals. But most of the companies had one thing in common—they didn't make these opportunities as available to minorities and women. And they didn't monitor these experiences, like special training or sitting on corporate task forces and committees, for equal opportunity and access.

Word of mouth referrals and informal networking and mentoring were used by a number of companies to select senior management—methods that by their nature make it easy to ignore or forget that the company must not only make these decisions in a non-discriminatory manner, but also should actively recruit from all segments of the labor force.

With the release of our report, the department also announced a comprehensive and long-term program to remove glass ceiling barriers. The thrust of our program is designed to reach beyond the immediate world of Federal contractors to all of the Nation's employers and workplaces. Our strategy is a three-pronged effort.

COMPLIANCE REVIEWS

We will continue corporate management reviews by the Office of Federal Contract Compliance Programs (OFCCP). These include a thorough analysis of glass ceiling issues, as part of the department's legal responsibility to ensure that Federal contractors live up to their obligations not to discriminate and to actively recruit, and provide training and advancement opportunities to all individuals with talent and desire.

In fact, some of these reviews are currently underway and since August 8 over 1,000 hours have been spent on glass ceiling assistance by OFCCP.

The committee should be aware, however, that corporate management reviews take a good deal of time, use substantial personnel resources, and require a high level of training in compliance procedures. The nine pilot studies took almost a full year to complete. And while we anticipate this year's reviews to take less time and to draw upon a better trained staff, there are a lot more companies than compliance resources, so we must use public education and technical assistance to reach a wider corporate audience.

This said, when these lapses were pointed out, most companies responded positively. For instance, one firm initiated a number of innovative, proactive programs, such as setting up scholarship funds and internship programs for minority and/or female students in communities where its plants were located and establishing special working relationships with outside organizations like the Urban League.

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PUBLIC EDUCATION

Before I detail our effort to reach not only the full contractor community, but all employers, let me say that since the release of our study many members of the corporate community have come forward in substantial numbers to let us know what they are doing proactively to remove their glass ceiling barriers.

This feedback from the corporate world has energized our outreach effort. I've directed one of the department's outstanding agencies, the Women's Bureau, to spearhead this drive.

Elsie Vartanian and her ten regional administrators are meeting with CEO's and other business leaders across the country. They are meeting on an individual basis, at local meetings, and at regional conferences, promoting the need for commitment from the highest levels of the corporate structure to review internal programs and policies for career development. Since September 1, the Bureau has held or participated in 14 major events around the country, involving employers, employees, women and minorities. The Bureau is exploring nationwide efforts with the National Alliance of Business, the National Association of Manufacturers, and a number of leading minority organizations.

PUBLIC RECOGNITION

The third prong of our program is a public recognition awards program for businesses and organizations that are working to remove artificial barriers and ensure equal access to opportunities to qualified women and minorities. Last month, I presented the Secretary's Opportunity 2000 Award to Johnson and Johnson for its exemplary efforts ensuring equal access and developmental opportunities to all talented individuals, including women and minorities.

It is important to remember that the Glass Ceiling Initiative is driven not only by our mandates, but also by shifting demographics and business changes. It makes demographic sense due to our increasingly diverse workforce. We know that by the year 2000, 85 percent of the net growth in the workforce will be minorities and women. Consequently, the bottom line profitability of American businesses will be dependent on empowering employees, no matter who, or where they are.

The glass ceiling hinders not only individuals, but society as a whole. It effectively cuts our pool of potential corporate leaders by eliminating more than one half of our workforce. It deprives our economy of new leaders, new sources of creativity and the "would be" pioneers of the business world.

To compete successfully in today's global market we must unleash the full potential of the American workforce. We no longer can afford to waste our human resources. We must capitalize on, and make the fullest use of the talents and capabilities of our entire workforce.

The Glass Ceiling Initiative helps us to do that; to be a catalyst for change, for necessary, positive change.

Thank you, Mr. Chairman, for providing me this opportunity. This concludes my prepared statement. I would be pleased to answer any questions.

Senator SIMON. Representative Susan Molinari, and my apologies for keeping you waiting here.

STATEMENT OF HON. SUSAN MOLINARI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. MOLINARI. It made eminent sense why they were making so much sense here. The gentleman just told me he was born in Staten Island. [Laughter.]

Thank you very much, Senator, and the ranking minority member, for having me here today. With your indulgence, I will submit my prepared statement for the record.

Senator SIMON. It will be entered in the record.

Ms. MOLINARI. Thank you. Much of what has been said to determine the significance of the problem was included in your opening statement, Senator Simon, and much of what needs to be directed toward the solution was also included in your statement, Senator Thurmond's statement, and the statements of those who preceded me from the Department of Labor.

With that being said, I am pleased to discuss the issue of why women and minorities find themselves confronting the phenomenon which we now refer to as the glass ceiling, the invisible, often subtle barrier that prevents qualified women and minorities from advancing in the business world.

Actually, it is really not that subtle, as some have suggested. I would like to suggest from a woman's perspective that you know it when you hit it. More times than not, we tend to look at it, and there is a problem here, I think, with even calling it a glass ceiling because sometimes the world perceives it as this natural phenomenon from under which women and minorities can glean their abilities toward advancement.

It is not a natural phenomenon; it is an intentional barrier. Therefore, it must be intentionally dismantled. Your efforts here today go a long way toward that dismantling process.

Clearly, the numbers that you recall indicate the magnitude of the problem, but the numbers will not reveal just how devastating that practice has been to our country. Not only are women personally penalized and prevented from realizing our potential, but our ability to contribute to society denies everyone.

Perhaps medical prejudice has denied a woman access to opportunities who may have discovered a cure to cancer. Perhaps corporate intransigence has produced a network void of women able to force America to more effectively compete overseas. And with all due respect, perhaps this attitude adjusting would create a Congress more sensitive and more reflective of the majority of the population, which is now female.

As long ago as 1968, 15 percent of all managers were women. We now constitute over half the workforce. Given this percentage, women should constitute a much larger percentage of senior executive positions than they do. The Department of Labor's exemplary glass ceiling report substantiates, as we have said time and time again, what we suspected all along, that a caste system exists in corporate America. This report is an important first step in understanding and removing the barriers toward women and minorities. However, it is just a first step toward a pervasive problem that has existed, ignored in our society for far too long.

It is important to note that the report completed by the Department of Labor was an ambitious and aggressive study, but it was modest in its numbers, studying only 9 of the Fortune 500 companies in America. To help build upon the fine work of the Department of Labor, as Senator Thurmond has explained, Senator Dole and I have introduced the Glass Ceiling Commission. It will be charged with expanding the record of the Department of Labor's efforts.

The Commission would conduct a study and prepare recommendations concerning the manner in which business fills executive management and senior decisionmaking positions, the development and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions, and the compensation programs and reward structures currently used in promoting a more diverse and skilled workforce at the executive level.

This legislation will enable an influential commission to compile hard facts on a multitude of businesses as a sampling of corporate

America. And if I may, I think that is one significant difference between what the Department of Labor is doing, which is one way and a very accurate way of doing things, and what we are suggesting in both the Senate and House bills, and that is a commission that will be composed of representatives from business groups, from women and minorities groups, and from academia, appointed by the leaders in both the House and the Senate of both political parties.

So you will, in fact, be having businesses study businesses, and I think some of the insights in terms of determining where the problems are and how we can more easily overcome and move toward the solutions will be brought on not by those of us who do sometimes function in an artificial world protected by the label of Government, but coming from those people who exist where the real discrimination occurs, in the trenches in corporate America.

Most importantly, the bill establishes the Annual National Award for Diversity and Excellence in American Executive Management. This award will be given by the President of the United States to a business that has made substantial efforts to promote opportunities for and developmental experiences of women and minorities. What better incentive to businesses across America than to recognize and reward their initiatives to recruit, retain and groom women and minorities for upward mobility? As businesses begin to compete for this award across the country, substantial efforts will be initiated to eliminate that so-called glass ceiling.

I am proud to announce, on the Senate side, there are already 20 Senators that have cosponsored this bill, including Senators Kassebaum and Thurmond on this committee. And in the House, we have—I am not even sure of the number; it is growing every day. By virtue, I think, of some of the actions in the Senate several weeks ago, many of our colleagues are anxious now to become part of the Glass Ceiling Commission study. Also, it has been endorsed and will be promoted by the bipartisan Women's Caucus, that group of us in the House of Representatives that are introducing a Women's Equity Act in the near future.

With that being said, I want to thank the distinguished Senators, and especially both you, Senator Simon, and Senator Thurmond, for keeping this issue alive. We can all do what we can to continue to educate and foster sensitivity in America, but it is really up to those of us in Government to focus attention every day of our lives on the inequities that exist in this world and to help foster and promote change. Hearings such as this really go a long toward establishing that change for all of our futures.

Thank you.

Senator SIMON. Thank you very much, and thank you for your leadership. The House civil rights bill contains a Glass Ceiling Commission. Is that modeled after yours?

Ms. MOLINARI. It is very similar.

Senator SIMON. Yes.

Ms. MOLINARI. It was introduced by the Education and Labor chairman on the House side, Chairman Ford. The numbers are smaller and the representation is a little bit different, but its charge is basically similar.

Senator SIMON. All right.

Ms. MOLINARI. Just as an aside, Senator Dole and I had introduced this as part of what was called the Women's Equal Opportunity Act, which dealt with safety on the streets, academic incentives, and the Glass Ceiling Commission. At a time that so many of the tenets of the Women's Equal Opportunity Act became more and more controversial, as our parties disagreed on the civil rights bill, both Senator Dole and I did not want to see the ability of the Glass Ceiling Commission be jeopardized in that rather partisan debate that was going on, and therefore we pulled that part out to move forward on just this one piece.

Senator SIMON. You mention minority women appear to have a two-fold problem. The reality is a woman has a special problem, but a woman who is a member of a minority or a woman who is disabled, or whatever—those things become compounded.

Ms. MOLINARI. Absolutely.

Senator SIMON. And when you look at those statistics, they are grim on the double problem.

Ms. MOLINARI. It certainly is. Unfortunately, there are so many prejudices we have to overcome in this society, and it is a wonder sometimes that those women can make it to work on a day when they know the attitudes that they are going to confront.

Senator SIMON. You mention the attitudes in your oral statement and in your written statement.

Ms. MOLINARI. Yes.

Senator SIMON. Tell me what you are talking about here.

Ms. MOLINARI. I suppose my perspective on the glass ceiling is a lot less kind than that which was described by the representatives of the Department of Labor. Yes, sometimes it is very nonintentional and it is very subtle, but I believe that more times than not it is extremely intentional. It results from an intended lack of mentoring that occurs. It results from a lack of, as the Department of Labor said, an ability for men and women in various social settings, even in the United States Congress, to get together by differences of their gender, and that helps.

As you well know, you may not be on the same committee with someone; you may not have anything in common with them. However, when you get to work out in the House gym—the Washington Post did a great story on this—you get to foster relationships that are denied women in Government, and that exists in corporate America, too.

Most importantly, however, I believe that there is an attitude that is still very flagrant in all levels of our society that when women exhibit those qualities that are necessary for leadership and are usually found in those that are promoted, rather than seeing those qualities as something that is a positive, they are seen as being aggressive and a negative. And rather than seeing those very attractive qualities result in promotion, in fact, they are ignored or demoted.

Senator SIMON. And in terms of attitudes, there are very few people who are willing to say, or who believe, "I am insensitive," but the reality is we are going to have to sensitize our population to the problems of women, of minorities, of the disabled much more than we have. That is kind of a softball, but I am sure we are in agreement on that.

Ms. MOLINARI. Well, absolutely. There is a large segment of our population that needs to be educated to what they are doing wrong in terms of their attitudes, and there is also, unfortunately, a large portion of our population that needs to be embarrassed into acknowledging what their attitudes are toward women and minorities. And I think that this Commission will help to accomplish both, as will hearings like this, and continued media attention on this problem.

Senator SIMON. I might just add I met with some parliamentarians last night from Namibia. This brand new country in Africa has 10 percent of its parliament made up of women.

Ms. MOLINARI. Well, good for them. We certainly have a long way to go in this country when we look at what has been able to occur in Europe and some countries that we decide are less advanced than ours.

Senator SIMON. Senator Thurmond.

Senator THURMOND. Congresswoman Molinari, I want to commend you for your fine statement.

Ms. MOLINARI. Thank you, Senator.

Senator THURMOND. I can see how you got elected.

Ms. MOLINARI. Thank you, Senator.

Senator THURMOND. Mr. Chairman, I have two other meetings going on and I am going to have to leave. I want to tell these witnesses, though, that if I don't hear their testimony, I will read it, and I am very sympathetic to their cause.

Senator SIMON. And I thank you for being here for a while, Senator Thurmond.

Senator THURMOND. Thank you very much.

Senator SIMON. We thank you very much.

Ms. MOLINARI. Thank you very much for your time.

[The prepared statement of Ms. Molinari follows:]

PREPARED STATEMENT OF MS. MOLINARI

Thank you Mr. Chairman, the distinguished ranking minority member, and all the Senators serving on the Subcommittee on Employment and Productivity, for this opportunity to testify before you today.

I am pleased to be able to discuss the important issue of why women and minorities find themselves confronting the phenomenon known as the "glass ceiling;" the invisible, often subtle barrier that prevents qualified women and minorities from advancement in the business world.

In the 1970's, women first began entering managerial and professional jobs in substantial numbers. Two decades later, few have climbed as far or as fast as their male colleagues. Women climbing the corporate ladder to the top often find themselves side-tracked and passed over for promotions.

In 1989, only 2.9 percent of corporate senior executives were women, up from 0.5 percent in 1979.

("Korn/Ferry International's Executive Profile: A Decade of Change in Corporate Leadership," Korn/Ferry, 1990).

In 1990, 68 percent of Fortune 500 companies had no women executives at the vice-presidential level and up.

("Empowering Women in Business," The Feminist Majority Foundation, 1991).

As long ago as 1968, 15 percent of all managers were women. Given these figures, women today should constitute a much larger percentage of senior executives than they currently do. The fact that women have been unable to break into the upper echelons of business testifies to the existence of a "glass ceiling."

Attitudinal factors contribute to the lack of opportunities for promotion of women and minorities. For example the existence of an "Old-Boy Network" that grants white men access to information, advice, and business-related communication not available to women and minorities.

According to interviews conducted on the "glass ceiling," the reason women move easily within the lower ranks of the corporate world is because men have no trouble with women displaying technical expertise, as is required at the bottom and middle rungs. The barrier appears at the higher levels, when women must exercise leadership power. Then apprehension among male seniors arises, and women are prevented from moving up the corporate ladder by male attitudes and stereotypical roles for professional women.

It has also been found that men are more comfortable interacting with other men. Not only do men interact with each other on a professional level, they frequently socialize in what has been called a "male club." Women are not part of this club and are left out of social activities such as drinks after work, or a day on the golf course.

Organizational factors have also contributed to the lack of promotion opportunities for women and minority managers by concentrating them in "staff" positions, such as personnel, rather than "line" positions, such as sales and marketing, that are considered superior routes to advancement.

One study showed that only 33 percent of women executives believed their companies encouraged their career development, while more than 50 percent claimed that men had more opportunities to exercise power and authority.

("Men, Women, and Leadership," Russell Reynolds Associates, Inc., 1990).

Minority women appear to have a two-fold problem. While white women worry about penetrating the male network in business,minority women must worry about penetrating both the gender and the white network.

In 1989, minorities accounted for 22.3 percent of all jobs at large companies, but they accounted for only 9.9 percent of officials and managers.

(EEOC: Job Patterns for Minorities and Women in Private Industry—1989. Washington, 1990).

Women currently comprise close to half of the civilian workforce. By the year 2000, more women and minorities than men will be entering the workforce, dramatically and permanently altering the overall composition of labor in America. U.S. productivity and competitiveness in the international marketplace will depend more and more upon industry's ability to encourage, shape, incorporate, and nurture the skills, knowledge, creativity, and energy of women and minority workers.

Those women and minorities who are able to enter the workforce in high-paying, mobile, professional positions will face lower salaries and slower promotions rates once employed, and receive less access to the education, training and support necessary to help prepare them for advancement in the corporate world.

The failure to fully incorporate women and minorities intoall areas of the workforce penalizes not only these groups, but the entire American economy, which is increasingly in need of skilled workers. Industry needs to rely on women and minorities to fill these skilled positions if it is to compete effectively both here at home and abroad.

The Department of Labor's exemplary "glass ceiling" report substantiates what many of us have suspected all along, that a caste system exists in corporate America. This report is an important first step in understanding and removing the barriers toward women and minorities. However, it is just a first step toward a pervasive problem that has existed in our society for far too long. It is important to note that the report completed by the Department of Labor was a modest pilot study, examining only nine Fortune 500 companies.

To help build upon the fine work the Department of Labor has begun, Senator Dole and I have introduced legislation to establish a high-level glass ceiling commission charged with expanding the record of the Department of Labor's efforts.

The commission would conduct a study and preparerecommendations concerning the manner—in which business fillsexecutive management and senior decision-making positions, the development and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions, and the compensation programs and reward structures currently used in promoting a more diverse skilled workforce at the executive management and senior decision-making levels in business. This legislation will enable the influential commission to compile hard facts on a multitude of businesses, versus a sampling of corporate America.

Most importantly, the bill establishes the annual national award for diversity and excellence in American executive management. This award will be given by the President of the United States, to a business that has made substantial efforts to promote opportunities for and developmental experiences of women and minorities to foster advancement to executive management and senior decision-making levels within the business.

What better incentive to businesses across America, then to recognize and reward their original initiatives to recruit, retain, and groom women and minorities for upward mobility. As businesses begin to compete for this award, across the country substantial efforts will be initiated to eliminate the "glass ceiling."

If women and minorities continue to be ignored by corporate America, we are overlooking a resource that could make a tremendous difference in possible contributions to our society. It may be a long, trying effort to shatter the "glass ceiling," but if we do not persist, not only will women and minorities continue to suffer, but all of society will suffer.

While I believe that the establishment of this commission is needed to help foster change, it is the forward-looking agenda of this subcommittee, the Department of Labor, and many women's organizations that will not let this issue be swept under the carpet. The global challenges of the 1990's require that companies choose from the full spectrum of the talent that currently exists in the American workforce.

Again, I would like to thank all the distinguished Senators on this subcommittee for providing me this opportunity to have testified today.

Senator SIMON. Our next panel is Eleanor Smeal, the president of the Feminist Majority Foundation; Pat Taylor, president of the National Federation of Business and Professional Women's Clubs; and Eleanor Hinton Hoytt, of the National Council of Negro Women. I don't think Eleanor Smeal is here yet.

We are very happy to have you here. Ms. Hoytt, let me start with you.

STATEMENTS OF ELEANOR HINTON HOYTT, NATIONAL COUNCIL OF NEGRO WOMEN, INC., WASHINGTON, DC; AND PAT TAYLOR, NATIONAL PRESIDENT, NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., WASHINGTON, DC

Ms. HOYTT. Thank you, Mr. Chairman. I am Eleanor Hinton Hoytt, and I am pleased to represent the National Council of Negro Women (NCNW) in the hearing "Women and the Workplace: The Glass Ceiling."

The National Council of Negro Women was established in 1935 as a council of national organizations of African American women committed to the elimination of discriminatory practices and dedicated to the empowerment of women. It is fitting that NCNW joins the Women's Bureau of the U.S. Department of Labor and other women's organizations here today in addressing the importance of removing all barriers, including the artificial ones, that affect participation and advancement of women in the workplace.

It is because of the long, arduous work of organizations such as these who worked for the enactment of equal employment legislation that we now have Federal laws that prohibit employment discrimination of all women, and these are the same organizations who are now working for passage of the Civil Rights Act.

The members of NCNW represent every level of the socioeconomic scale, but most of the 65,000 individual members are women who never had the opportunity to explore how to break the glass ceiling barriers. As black women, they experience "job ceilings"—that is, they were unable, and continue to be unable, to freely compete in the labor market for either jobs, training or promotions. So before I share a black woman's perspective on the glass ceiling, we also must take into account the barriers that have held them back each step of the way.

Black women face the double jeopardy of racial and gender discrimination. Their status is different from the status of white

women. Their status is different from the status of black men. Their history has been a history of steady labor force participation in low-paying and unstable work in the service sector.

Though the status of black women's employment has changed—and that change for black women, contrary to the media, has not been to go home to tend husband and baby—high unemployment rates, persistent underemployment and low wages and continued concentration in female-dominated occupations remain the fruit of that historical legacy of work. It is important to stress that that historical legacy cannot be trivialized or ignored when we consider the glass ceiling phenomenon.

Ironically, and historically, corporate America has been closed to black professional women, women who have been in the labor force longer, women who have toiled harder. Black professional women have only had access to two primary job sectors—independent employers in the black community and the public sector.

The dependency on these two job sectors in the past has had a profound effect on black women workers as workers today. That effect limits their ability to get out of the public sector and reduces their options in traditionally male-dominated professions.

Yes, it is true, seeking a higher education to escape the hostile environment of domestic service is yet another legacy of racial and sexual discrimination that has impacted black women. Black women are more concentrated in the professions than black men, and this tends to be a problem in the black community. This factor contrasts with the experiences of white women, who are less concentrated in these sectors than white men.

But what about these black women in the top tier of the multitiered system of black female employment? The 16.1 percent of black women in managerial positions and professional specialties are assumed to have cracked the glass ceiling. I noticed when I came in the cards on the board; there are no black women listed. There are about 6.6 percent of women as corporate directors. For black women, in 1989, there was 0.7 percent.

According to unpublished data from the Bureau of Labor Statistics, 1 percent of black women managers make more than $78,000, and only 6.77 percent make more than $52,000 per year, compared to 29 percent of all male managers who earn more than $52,000 per year.

Professional black women have a pattern of racial stratification, occupational segregation and low wages. The glass ceiling assumption of a pool of corporate black women in the pipeline who found the corporate ladder impenetrable as they sought the top may not hold true for many black women.

While private sector expansion has occurred, black women are more often limited to staff positions, rather than line positions, that leave little or no room for advancement. They encounter the external barriers in the corporate culture to their mobility, and they experience racism and sexism simultaneously and sometimes interchangeably. Their status is, at best, fragile, and the nature of their success is frequently exaggerated and rarely placed, as today, within a context of racial and gender discrimination.

Unfortunately, popular sentiment supports the notion that professional black women have better opportunities for entry and mo-

bility in the workplace. Their success is attributed to the double advantage theory; that is, hiring a black woman counts for a double minority at the price of one. There is no evidence to support this longstanding myth.

One empirical study that examines the complex and difficult question of 25 black female managers in those nontraditional male occupations and the glass ceiling phenomenon concluded that there is no evidence to support the notion that black professional women are doubly advantaged in the workplace.

In fact, this study revealed that half of the managers interviewed had experienced unexpected external difficulties, such as resistance from coworkers—we are talking about the corporate culture—black opportunity structures, being passed over for promotion—and we are talking about not so subtle discrimination—and low performance reviews even when they thought they were doing the right things.

Specifically, the data from this study indicate that black female managers lacked early exposure, and black female managers lacked corporate sponsorship, including mentorship, unlike their white counterparts, resulting in a longer acculturation process, and obviously more limited opportunities. Women in this study had not been mentored, and I agree that corporate CEO's tend to select the like kind for mentoring.

In addition, the dual status of black female managers made them more vulnerable not only to the kinds of structural barriers that we have in corporate America, but also to the limits imposed by racism and sexism.

One respondent, in the study, recalled painfully, "It was a very hostile environment for black people . . ." She did not expect being black to be a barrier, and this was a black woman with an MBA in corporate America.

Race and sex confound the barriers black women face in seeking pay equity, rewarding experiences, high productivity, and appreciation for a job well done. We only need to think of Brenda Patterson of *Patterson v. McLean Credit Union*, who was radically harassed on the job, denied promotion, and then fired, to be reminded of how racial discrimination impacts black women.

The toll is horrendous, particularly for sexually harassed victims who are often, as we know, unwilling to come forward for fear of retaliation and fear of loss of privacy. I wish to share with you, Senator Simon, the experience of one victim of sexual harassment, and I only received this in my office a week ago.

She has suffered financial loss. She has medical complications and expenses. She has endured unemployment lines seeking assistance. She has made several endless searches for any type of employment unsuccessfully. She has made continuous requests for the release of her employment records from her employer under the Freedom of Information and Privacy Act. And when all else failed, she requested reinstatement. These are all the experiences of just one distraught woman who resisted overt and covert sexual harassment in the workplace. The victim is a black professional female. The employer is the Federal Government.

We know why women fear revealing sexual and/or racial harassment, and we also know that black men could understand why

they fear, when all of us, black men and women, continue to go to lunch and continue to work in hostile environments in the workplace and accepting unacceptable and insulting racial remarks. The analogy is the same.

All Americans deserve a workplace free of discrimination. Yet, many black women are at risk of facing a hostile environment in which both racial and sexual harassment occur. We can no longer allow these conditions to go unchallenged, nor can we allow inequities in opportunity and compensation to remain barriers to economic equity for all women. The corporate ladder has changed. Some of us are there. We now need to work on that corporate culture.

Recent studies point out that traditional organizational assumptions about employees limit the participation of an increasingly diverse workforce who are developing new patterns of work and new family relationships. We at the National Council of Negro Women are committed to economic equity for all women, and we wish to express support of your efforts to break down these glass ceiling barriers where they exist. Thank you.

Senator SIMON. Thank you for an excellent statement.

Ms. Taylor.

Ms. TAYLOR. Mr. Chairman, thank you for the opportunity to testify today. My name is Pat Taylor. I am the National President of Business and Professional Women USA. Senator, you are familiar with the statistics. I want to share a few stories about the women behind the statistics.

It has been said that the glass ceiling is really a pipeline issue. Mary Ellen from Washington State is a civil engineering technician. To advance to higher levels requires field work experience. Unlike Mary Ellen, the men were soon assigned work in the field with higher-level, experienced inspectors. Mary Ellen knows that she will not be promoted without this field experience, which cannot be had through any schooling. In fact, the men are now being promoted all around her.

Carol was an account executive in a sales organization. Her company reorganized and reevaluated all the jobs. It was determined that the job that she performed warranted a better title and salary. She should have received a promotion in place for the job she was already performing. Instead, a man was hired for the new higher-level position who was less qualified and lacked Carol's relevant experience.

Maria is a 30-year-old MBA who competed with a male classmate for promotion at a Missouri insurance company. When she was passed over, the president told her, I just don't think this company is ready for a woman at your level yet. The glass ceiling is alive and well.

Senator, the Judiciary Committee gave America a compelling tutorial on sexual harassment. The Senate debate carefully distinguished the confirmation vote from a vote on the issue of sexual harassment. Now, this committee has the opportunity to address that issue.

The legal definition of sexual harassment includes "unwelcome sexual advances from someone who has power over the victim's job or career." Sexual harassment can be an ultimatum. Debbie, a cor-

porate treasurer of an Indiana company, was told by the president and CEO that if she was to retain her job, she would have to grant sexual favors. It was that simple.

Threatened with dismissal or rape, Debbie quit her job. Until the Judiciary Committee hearings, Debbie had not told her husband why she quit. Quoting now, "It is the one deep, dark secret we had in our marriage and it is gone now." "You and my husband," Debbie told me, "are the only two I have talked to about this." Debbie consented to share her experience in the hope that it could help improve the workplace for her daughter.

Sherrie, a BPW member in Kansas, was shocked when the hospital pharmacist grabbed her breasts in the hallway. When she complained, she was told that it was just part of the job and she would just have to put up with it. Only after repeated complaints from several other women was the man demoted, but with no loss in pay.

Kate, an Indiana doctoral candidate, was subjected to the roaming hands of the head of the department. With her doctoral degree on the line, Kate turned to another professor for help. Eventually, it was learned that the department head had sexually harassed each of the six women students in the class. None had said anything until Kate took a stand.

It is all too easy to make a joke out of sexual harassment. It is all too easy to blame the victim. It is all too easy to judge the credibility of charges through the filter of one's own experience, never having been powerless or victimized. Sexual harassment is not all too easy for the victim, and I commend this committee for not taking that all too easy course and for squarely facing this important issue.

BPW applauds the efforts of Senator Dole in the Glass Ceiling Act. There are already some exemplary employers who recognize the need to constructively address diversity, and who deserve nomination for a Presidential award. Unfortunately, there are also employers who do not.

It is not enough to simply ask employers to do what is right and to follow the law. The glass ceiling persists despite the laws which prohibit discrimination based on sex. The women of America who have been improperly denied job advancement and shamefully sexually harassed need strong enforcement of existing laws. Without adequate enforcement of the law, some businesses will simply not change their discriminatory ways. It is time for all Americans, especially women and minorities, to achieve equity, economic self-sufficiency, and full participation in the workplace.

Thank you again, Senator, for the opportunity to testify on behalf of working women in America.

[The prepared statement of Ms. Taylor follows:]

PREPARED STATEMENT OF MS. TAYLOR

Mr. Chairman, members of the subcommittee: Thank you for the opportunity to testify today. My name is Pat Taylor, and I am the National President of Business and Professional Women/USA.

I took a day of vacation to come here today. I am employed by Southwestern Bell Telephone company in St. Louis, Missouri in a middle-management position. I work for a company that I consider to be very progressive, and I have a supportive boss. But I came here today not as an employee of Southwestern Bell, but as the National

President of BPW. I came here to tell the stories of the working women who are back home working all across America today.

Senators, you've heard the statistics.

* The Department of Labor reports that indeed there is a "glass ceiling" beyond which women and minorities do not advance, and that it is found at lower levels than expected. In this study, women comprised 37 percent of the workforce, but only 6.6 percent of the "executive level" managers were women.

* According to the Fund for the Feminist Majority Foundation Study, less than 3 percent of the top jobs at Fortune 500 companies were held by women. And only five women are CEO's of Fortune 500 companies—that's 1 percent.

* According to a *Fortune* magazine survey of 799 public companies out of over 4,000 highest paid officers and directors, less than ½ of 1 percent were women.

These statistics represent people; real women who are excluded from top management positions—not because of their capabilities, but because of their gender.

I commend the Senators for examining the glass ceiling as an issue that is crucial to the ultimate competitiveness of American business in a global economy. Business can not afford to under-utilize the full human potential of women and minorities at all levels in the workforce. I appreciate the opportunity to share with you a few stories about the women behind the statistics.

BUSINESS AND PROFESSIONAL WOMEN

Women in America want to make policy—not coffee. It's more than a bumper sticker slogan. It is the mission of BPW to promote equity, economic self-sufficiency and full participation for women a in the workplace. This means full participation at all levels—including the executive suite. BPW/USA was founded in 1919 to improve the status of women in the workforce and continues today to be the voice of working women. BPW/USA is a diverse bi-partisan organization of women and men of all racial, ethnic, and religious backgrounds. BPW is pleased to have two distinguished Senators on the Education and Labor Committees among our members—Senator Barbara Mikulski and Senator Howard Metzenbaum.

THE GLASS CEILING

There is no doubt that there are many causes of the glass ceiling—some intentional, others unintentional. The glass ceiling persists because of perceptions about women and minorities which lead to discrimination in subtle—and not so subtle ways.

It has been said that the glass ceiling is really a "pipeline" issue. Mary Ellen from Washington State, for example, works in a non-traditional job as a civil engineering technician. To advance to higher levels in her job area requires field work experience. Mary Ellen works with men who started at the same level. Unlike Mary Ellen, however, these men were soon assigned to go out and work with higher level experienced inspectors. Mary Ellen knows she will not be promoted without this experience. In fact, those men are now being promoted all around her.

Certainly, getting the right assignments to develop managerial experiences is critical to achievement in top executive positions. The problems are often much deeper, however, and involve cultural norms within the workplace. Sherrie, a young, well-educated and ambitious engineer with a major defense contractor, told me of her career counseling discussion with her boss. He suggested that she should wear dresses like the other women—all secretaries—rather than suits. Sherrie assures me that he was not hassling her, but that it was not the kind of career development advice that she was seeking. Without a mentor to give her valuable career advice, she is unlikely to advance within her profession.

The attitudes that obstruct equal opportunity in the workplace are the same as those that cause pay inequities. Ruth, a BPW member from Iowa, did not get the same salary as her predecessor, a man. When she inquired about the disparity, she was told that she made enough for a woman, "especially since you are married." Ruth didn't push it because she wanted the job.

Other cases appear to be blatant discrimination. Nina is a federal employee with a masters degree. She applied for and was selected for a GS-12 position, but then the job was never actually filled. Later, it was reopened but she was not selected. Her boss admitted he overlooked an outstanding evaluation and her relevant experience which should have given her more points. The original evaluation sheets show erasures to Nina's disadvantage.

Traditional university perceptions about research taught Rose a hard lesson. She was denied full professorship at a Kansas college because the subject of her pub-

lished work—domestic violence and assault—did not seem scholarly enough to her male peers.

Carol was an account executive in an Indiana sales organization. Her company underwent a reorganization during which all positions were reevaluated. It was determined that the job she currently performed warranted a better title and salary. She should have received a promotion in place for the job she was already performing. Instead, a male was hired for the "new" higher level position who was less qualified and lacked Carol's related experience.

Julie worked as a senior account executive for a national company in Utah, where she was responsible for corporate accounts. Her newly hired manager was outspoken about his intent to get rid of some of his mostly female staff to make way for some men. He openly discussed his belief that women were not capable of handling corporate accounts because they did not understand business or sports. In addition, he made it clear that he did not permit his employees to start families. It was too late for Julie—she was already pregnant. It wasn't long before Julie's job position was demoted again and again, her secretary was reassigned, she lost her office, and her main accounts were taken away from her. He verbally threatened her job, her career, and the physical well-being and safety of her child. After unsuccessfully trying to handle the problems within the company, she filed a sex discrimination case hoping that his behavior would change. He responded by revoking her pre-approved parental leave, forcing her to return early to her hostile work environment. Unable to handle the harassment, she quit soon afterward. Six and a half years later she won judgment against the company. Although capable, responsible, and professional, how could Julie ever hope for a promotion in a company that employed managers with such neanderthal views of women?

Robyn was a manager in a Pennsylvania construction firm. As the only woman on the management team, she had a number of obstacles to overcome. For instance, the managers—all male—had an established practice of going to a motel for a few days to brainstorm ideas. The company's treasurer explained the practice to Robyn, but then he went on to suggest that "it wouldn't be such a good idea (now) since you are a woman." His attitude was held by others in the company. In fact, it wasn't long before the "guys in management team" went off to brainstorm—without her. Exclusion in the decision-making process eventually resulted in her being squeezed out of her manager position.

Maria is a 30-year-old MBA who competed with her classmate for a promotion at a Missouri insurance company. When she was passed over, the company President told her, "I just don't think this company is ready for a woman at your level yet." The glass ceiling is alive and well.

A similar comment was made about the new Executive Director of BPW, Sana Shtasel. Prior to accepting the job with BPW, Sana was one of two finalists for a position in Massachusetts for which a man was hired. Sana's mother was told afterward, "Sorry about Sana, but you know the CEO just doesn't do well with women." Dr. Shtasel is tired of her daughter being denied a job based on her gender. She is not the only mother in America who wants to know when her daughter will have genuine equal employment opportunities—even for top executive positions.

If 97 out of 100 corporate officers of Fortune 500 companies were women, if 98 out of 100 U.S. Senators were women, and if 99 out of every 100 CEO's in Fortune 500 companies were women, I don't think the men in this country would feel as though they were full participants.

We seek level playing grounds, not special treatment. And we firmly believe that corporations with more women at the top of their management structure will improve their bottom line.

SEXUAL HARASSMENT IN THE WORKPLACE

Senators, I also want to take this timely opportunity to talk to you about sexual harassment in the workplace. The attitudes underlying sexual harassment are the same attitudes that prevent women and minorities from advancing into management positions.

Recently, the Nation was gripped by the live Senate hearings on the sexual harassment allegations against Judge Clarence Thomas. The Senate Judiciary Committee gave America a compelling tutorial on sexual harassment. This hearing ripped a scab off an ugly wound in the psyche of American women. Professor Hill's testimony struck a raw nerve among women, who are angry about the Judiciary Committee's treatment of Professor Hill. She broke the conspiracy of silence on sexual harassment. That silence of powerlessness is born out of the fear of not being believed, and out of the hope that the harassment won't continue. Women all over the Nation are now beginning to share their own stories of sexual harassment.

The Senate debate carefully distinguished the confirmation vote from a vote on the issue of sexual harassment. Now this committee has the opportunity to pick up the challenge of an appropriate response in an appropriate forum to the issue of sexual harassment.

The legal definition of sexual harassment includes unwelcome sexual advances from someone who has power over the victim's job or career. I firmly believe, however, that sexual harassment can also happen in more subtle forms. It can be as subtle as the school superintendent who persists in belittling Jane, a woman teacher, by calling her "Hon," and refusing to acknowledge that she has a name and identity separate from her gender. It can be more blatant, as in the case of the vice president of a major New York Stock Exchange brokerage firm who sent a "G" string to Sue, a woman supervisor, in the inter-office mail. It can involve inappropriate touching, like the doctor who put his hands on Dottie's back and said, "Oh, half slip. How do you like that for a diagnosis?" Or be completely verbal like the hospital doctor who boldly propositioned the daughter of one of our BPW members, Dolores. Or the vice-president of a lumber yard who explained his vasectomy in detail to Sue, and according to her, "was always trying to put the make on you."

Sexual harassment can also be an ultimatum. Debbie, a corporate treasurer on the Board of Directors of a private company, was told by the President and CEO that if she was to retain her job she would have to grant sexual favors. It was that simple. Unable to face the threat of dismissal and the fear of rape, Debbie quit her job. Until the Judiciary Committee hearings, Debbie had not told her husband why she quit her job. "It's the one deep dark secret we had in our marriage and it's gone now. You and my husband are the only two I've talked to about this." Debbie consented to share her experience in the hope that it could help her daughter. "I want to do anything I can do to improve the workplace for my daughter and improve her for the workplace."

Over and over women have shared how they have been told to just "play the game." Sherry, a BPW member in Kansas, was shocked when the hospital pharmacist grabbed her breasts in the hallway. When she complained, she was told that it was just part of the job—she'd just have to put up with it. Only after repeated complaints from several other women was he demoted—with no loss in pay.

Kate was an Indiana doctoral candidate who was subjected to the roaming hands of the head of the department when she would go into his office to discuss class scheduling. Feeling that her doctoral degree was on the line, Kate turned to another professor. Eventually it was learned that the department head had sexually harassed each of the six women students in the class. None had said anything until Kate took her stand.

It is all too easy to make a joke out of sexual harassment. It is all too easy to blame the victim It is all to easy to judge the credibility of charges through the filter of one's own experience, never having been powerless or victimized. It is all too easy to say, "Boys will be boys" or shrug sexual harassment off as Jane from Kansas was told, "That's the way it's always been, so you just ignore it and go on." Sexual harassment is not "all too easy" for the victim. I commend this committee for not taking that "all too easy" course and for squarely facing the issues of the glass ceiling and sexual harassment as important workplace issues.

LEGISLATION RESPONDING TO THE GLASS CEILING

BPW applauds the efforts of Senator Dole in the Glass Ceiling Act of 1991 (S. 1711), which would establish a Glass Ceiling Commission to research the advancement of women and minorities into management and decision-making positions in business. Furthermore, it would create a national award for businesses who make efforts to advance women and minorities into top management positions. These are constructive, low-cost, high visibility steps that can encourage the removal of artificial barriers to the upward mobility of women and minorities. This legislation provides an important first step toward identifying solutions for the glass ceiling, but the glass ceiling will not be shattered by a government study.

There are already some exemplary employers who recognize the need to constructively address diversity and who deserve nomination for a Presidential award. Unfortunately, there are also employers who do not share this attitude. It is not enough to simply ask employers to do what is right and to follow the law. The glass ceiling exists, and persists, despite the laws which prohibit discrimination based on sex. The women of America who have been improperly denied job advancement and blatantly sexually harassed in the workplace need strong enforcement of existing laws. Without adequate enforcement of the law, many businesses will simply not change their discriminatory ways.

BPW calls for additional provisions to add some teeth to S. 1711 by requiring the Commission to look at current enforcement of equal opportunity laws—with particular attention to the glass ceiling and sexual harassment. The Commission's report should include recommendations concerning the resources necessary to fully enforce the law.

Legislative responses to break the glass ceiling cannot be fully discussed without mention of the Civil Rights Act of 1991. As you know, this bill would provide remedies for victims of intentional discrimination on the basis of sex, disability, or religion—the same remedies available to victims of discrimination on the basis of national origin and race. BPW has strong concerns—as should the Senate—about limiting the damages that women, as victims of sexual discrimination, can claim. No other group would have a cap on their limits—why should women? Women across the Nation question whether the White House and Congress view sexual discrimination and sexual harassment as serious workplace issues. Passing a civil rights bill that effectively singles out women and limits the damages they can claim would perpetuate the perception that sexual discrimination and harassment are not being taken seriously in the halls of the Capitol.

BPW urges the Senate to act on a civil rights bill that would not put severe limitations on compensatory and punitive damages for women. The premise behind compensatory damages is to compensate for actual damages to the victim. Any limitations on damages implies a lack of understanding about sexual harassment and sexual discrimination—and how damaging they can be. Employers who intentionally discriminate against women must face the deterrent of a severe economic penalty. As the bill currently stands, employers have little to lose if they discriminate, and women are discouraged from pursuing a legal remedy. Simply speaking, these damage limits are a slap in the face to women. BPW challenges the Senate to pass a fair, equitable civil rights bill.

It's time for all Americans—especially women and minorities—to experience equity, economic self-sufficiency, and full-participation in the workforce.

Again, thank you for the opportunity to testify on behalf of business and professional women.

THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS,
INC. OF THE UNITED STATES OF AMERICA
Washington, DC, November 8, 1991.

Honorable PAUL SIMON,
Chairman, Subcommittee on Employment and Productivity,
644 Dirksen Senate Building
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to testify before your subcommittee on October 23 to discuss the problems of women in the workplace—and in particular, glass ceiling and sexual harassment.

I commend you for your interest in these issues, which are crucial to the ultimate competitiveness of American business in our global economy. Business cannot afford to under-utilize the full potential of women and minorities at all levels in the workplace. We seek level playing grounds—not special treatment. We firmly believe that corporations with more women at the toe of their management structure will improve their bottom line.

As you requested at the hearing, I am submitting additional stories of women who have experienced problems in the workplace due to their gender. Some of these are included in an expanded version of my written testimony, and the others were discussed in an article printed in *National Business Woman* magazine, a publication of BPW/USA. I hope that these can be included in the hearing record.

I also wanted to take this opportunity to applaud the Senate for including language in the Civil Rights Bill giving Senate and White House employees the opportunity to seek redress for discrimination. I believe this sends an important message to the American public that the Senate considers discrimination and sexual harassment to be intolerable in all places of employment.

Again, thank you for the opportunity to testify before your subcommittee. It was a pleasure to meet you, and I hope you will keep BPW/USA in mind as a potential witness for future hearings on issues affecting women in the workplace.

Sincerely,

PAT TAYLOR,
National President

Victims of Sex Discrimination: The Risks of Fighting for Equality

By Marcia Eldredge

During her residency in general psychiatry, Dr. Margaret Jensvold was chosen as an Honorary Fellow of the Association for Academic Psychiatry, naming her as one of six psychiatric residents in the United States with the most promising careers in academic psychiatry. During the last year of her residency, she was hired as a medical staff fellow in the Biological Psychiatry Branch of the National Institute of Mental Health (NIMH). Jensvold was following the fellowship path on her way to what she thought would lead to a successful career in academia, her longtime goal. Along the way, she says she became a victim of sex discrimination. The alleged perpetrator was her immediate boss. Today, she has her own clinical psychiatry practice, and although she is successful, her dream of entering academia remains unfulfilled as she continues to fight for what she sees as her rights as a woman in the field of biopsychiatry.

Dr. M. Maureen Polsby was the chief resident of neurology at New England Medical Center and three months short of completing her residency when a director from the National Institutes of Health (NIH) offered her a medical staff fellowship. She accepted the fellowship, which the director would be supervising, with an understanding from the director that her fellowship would continue for three years. Two years later, she was denied a third year fellowship by this director. She, too, says she is a victim of sex discrimination. She continues to fight for her rights but has been unable to conduct neurological research or to participate in a group practice since leaving the NIH in 1985.

It is not news that women continue to be discriminated against by their male supervisors. Many women in lower level, non-management positions fear the risk of being fired if they expose their bosses' behaviors. They cannot afford to be unemployed while looking for a job so they tolerate the discrimination. Those who are more financially stable may quit and search for another job. In the cases of Jensvold and Polsby, two women with very specific professional fields of expertise, the risk of putting their fellowships on the line in such a select and powerful community was a great threat to their careers, but to condone such behavior, they felt, was an even greater threat to all women in the medical research field.

Polsby says her career is ruined. Jensvold is more fortunate in that she can apply her skills to clinical psychiatry. For now, though, her goals of entering the male echelons of academia have been derailed. Both hope that those who follow in the biomedical research field will benefit from their stands.

During their fellowships, both Jensvold and Polsby filed complaints with the Equal Employment Opportunity offices (EEO) of their institutes, in 1989 and 1985, respectively. Both women filed additional EEO complaints due to the retaliation they claim they received from their directors for filing their initial complaints. Jensvold filed a sex discrimination suit under Title VII of the Civil Rights Act of 1964 against the Department of Health and Human Services, the overseer of the NIMH. Polsby also filed a Title VII sex discrimination suit against her former boss, a number of colleagues and the Department of Health and Human Services, also the overseer of the NIH.

"Very few women at my level fight. They have too much to lose. The higher up you are, the more dangerous it is to fight."

Three months before beginning her fellowship in 1983, Polsby says she attended an annual meeting in California to present a paper. The NIH director, her new supervisor, also attended the meeting. According to Polsby, he asked her to have sex with him, skip the meeting and the paper presentation, and travel to Mexico with him. Polsby refused. When she began her fellowship at the NIH three months later, Polsby says she realized immediately she was the victim of retaliation for her refusal to have sex with her boss.

In one of the first incidents to occur during her fellowship at NIH, Polsby claims her boss insisted he be listed as a senior co-author on a scientific paper describing a clinical research project she had completed and to which she says he had made no contribution.

In another instance, Polsby says after she established a clinic of patients to research a disease, her director and another supervisor took the project from her and gave it to other colleagues without acknowledging her contribution to its development. After she left NIH, Polsby claims the results of the research were published without her knowledge and without her consent to be included as fourth author. A professor, who was a patient in the project and who read the published paper, informed her that much of the information and the results were false, including the number of patients the authors claimed participated in the project.

BEST COPY AVAILABLE

She says her research proposals were discouraged by the director. Yet when she would begin such projects and then be delegated to other non-research responsibilities, the projects would continue under the direction of male colleagues, leaving her little doubt that the projects were indeed assets to the scientific community.

Working in a Hostile Environment

Within one month of beginning her work as a fellow in the Menstrually-Related Mood Disorder (MRMD) program at NIMH, Jensvold says she was approached by another fellow who asked her to discuss some research ideas with him, and he agreed to collaborate with her on the research. Instead, however, Jensvold claims this colleague carried out the research with their director. Jensvold says this same colleague told her he intentionally excluded her from a conference she had requested permission to attend. After Jensvold reported this behavior to her supervisor, she began experiencing hostile behavior from the director, she says.

Dr. Margaret Jensvold

She also claims she witnessed demeaning accusations about the two women who preceded her in the MRMD program, the first of whom, she says, won a sex discrimination suit against NIMH superiors. These remarks, claims Jensvold, who was the only female fellow in the MRMD program, contributed to a sexually hostile and discriminatory work environment. Unlike her male colleagues, Jensvold says she was not permitted to collaborate on articles or conference presentations with other fellows. After spending several months recruiting patients and controls and working on data collection for a study, she was excluded from analyzing the data and writing the results of the analysis. Instead, she claims, her supervisor gave the assignment to male fellows.

As Jensvold's fellowship continued, so did the discriminatory acts, she says. At one point, she says her boss directed her to see a psychiatrist if she wanted to succeed in her fellowship. According to Jensvold, her supervisor criticized her for not being dependent enough on him.

In early 1988, Jensvold decided she would stop voicing opinions and would phrase opinions into questions, hoping the overt attacks against her would stop, although opinions by her male fellows were welcome, she said. She claims her director accused her of dressing "too nicely," but Jensvold, said "I was always dressed professionally. The only thing I could do was put on a lab coat."

"After six months I wasn't being attacked so much, so I brought up the topic of whether I was going to have a third year," Jensvold said. Her director told her he had decided nine months previously that she would not continue her fellowship.

Out of 16 fellows, she was the only one who did not go into her third year of fellowship. According to Jensvold, she was told by her director that people did not want to work for her because she was "competent and attractive."

"I was ultimately nonrenewed. I think of it as being fired," she said. "I realized I was nonrenewed, and I'd have no publications. I started thinking seriously if I should file an EEO complaint. I decided I could not walk away from this. This (the loss of an NIMH fellowship) was the kiss of death for a career. " She noted that almost 90 percent of medical school psychiatry department chairs in the country completed fellowships. Since 90 percent of all medical research funding comes from the NIH, if a fellow does poorly at the NIH and goes elsewhere to conduct research, the funding is limited.

After almost two years of no results from the NIH EEO, in December 1990, Jensvold filed a Title VII sex discrimination suit in federal court. She summed up her situation in terms of being a woman, and being good as a women, in an institute where she claims the men were the ones who succeeded. "I really believe what I walked into [at NIMH] had started long before I ever got there. If they [the NIMH] were genuinely interested in cleaning this up, they'd have dealt with this outstanding case," Jensvold said. She anticipates a possible spring 1992 trial date, more than three years since filing her original EEO complaint.

Dr. M. Maureen Polsby

"For me, fortunately, the career change was just a change out of academics and into private practice," Jensvold said. "But, it was not what I had intended. It wasn't my dream. It's a loss to the field."

In September she began a one-year position as the psychiatrist in the department of obstetrics and gynecology at George Washington University Medical Center in Washington, D.C. She is also the director of the Institute for Research on Women's Health in Washington, D.C., a non-profit organization founded by a woman who preceded Jensvold in a successful sex discrimination suit against the NIMH. The research institute is necessary, Jensvold says, because women are being excluded from succeeding in the male dominated research institutes.

Polsby left the NIH in 1985. In January 1990, after getting no results from the EEO office and after having all her claims against her individual colleagues dismissed, she filed under Title VII and also under the Racketeer-Influenced and Corrupt Organizations Act (RICO). The

See "Harassment," page 28.

"Harassment," continued from page 23

RICO violations included her claims of stolen research.

Polsby has been a licensed physician since 1984. Until 1990, the American Board of Psychiatry and Neurology (a board of 15 men and one women, many of whom are NIH funded, she says) denied her eligibility to take the exam to become a board-certified neurologist. Without board certification, she cannot obtain admitting privileges at any hospital or medical institution and is ineligible to join a group practice. Ten days after filing her suit, she received a letter from the board notifying her of her eligibility to take the exam. She plans to take the exam after her case is resolved. Since 1985, she has seen limited patients in her Washington home-office. She currently works part-time as a medical consultant with the U.S. Social Security Administration.

It has been almost 10 years since Polsby began her involvement with the NIH — an involvement that she felt would prepare her for a career at the forefront of neurological research. She never considered walking away from her case. She remembers being told she was paying too high a price. "If I didn't do what I'm doing (pursuing the case), I'd be paying an even higher price. It would have eaten me up," she said. "The NIH never counted on this. I don't think they ever expected I'd go to these lengths. They think I'll disappear. They have to be challenged. They have to be stopped."

"Very few women at my level fight because they have too much to lose. The higher up you are, the more dangerous it is to fight," she said. "I'm doing this because it needs to be done. These people need to be fought, otherwise they will keep treating women like this. By fighting them and not letting them win is my way of making a contribution to medicine."

Polsby expects her case to go to trial this fall.

Under Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000e *et seq.*, the plaintiff can only be awarded a reinstatement to the job, a court order prohibiting future discriminatory behavior by the defendent(s), attorney's fees and/or back pay. Compensatory and punitive damages cannot be claimed under Title VII sec. 2000 of the Civil Rights Act of 1964. Polsby, however, is seeking monetary damages under the RICO violations.

While in medical school, neither Jensvold nor Polsby envisioned their success would be measured by their gender rather than for the talent and expertise they could offer the biomedical research field. "I didn't perceive myself as doing anything particularly nontraditional. I hadn't expected to have to open doors to women. Now I see I'm doing that," Jensvold said.

Although the battle for gender equality in their field is far from over for either them or the women who may follow, neither doctor regrets her decision to pursue a career in biomedical research or of filing a discrimination suit.

One thing Polsby is certain about herself and Jensvold, "If we had been male, we'd be on the faculty of some university or we'd be head of an NIH lab."

Editor's note: The NIH and the NIMH had no comment on the allegations in this article.

Legal Fund Established To Assist Women

A legal fund was established in April to help women fight harassment, discrimination and ethical misconduct in the workplace. The fund, begun by the Federation of Organizations for Professional Women, will support the cases of Dr. Jensvold and Dr. Polsby in its two-year, pilot program. When women win their cases, the attorney's fees will be returned to the fund to keep it self-sustaining.

"When a woman files a complaint the result generally is a ruined career. She is forced from her job and no one else will hire her. Therefore, most women remain silent," said Viola Young-Horvath, executive director of of the Federation of Organizations for Professional Women. "The problem is getting worse, not better. We need to break the silence which allows illegal and unethical behavior to continue."

The fund was developed in response to the cases of Jensvold and Polsby, Young-Horvath said. The organization also plans to assist women by providing psychological counseling and legal advice for women. The Federation of Organizations for Professional Women is located in Washington, D.C.

Senator SIMON. We thank both of you.

Ms. Hoytt, you mentioned the independent employers in the minority community being a source for jobs for African American women, but we have had a decision in the United States U.S. Supreme Court in Richmond, VA, called the *Croson* decision that makes it more difficult for communities and States to have set-asides, and the statistical evidence is that set-asides for women and minorities are declining in this country.

If I may address this to both of you, what is that going to do for professional opportunities for women in our society in relationship to the glass ceiling?

Ms. TAYLOR. If I could start, I would just say, Senator, it will help to dry up opportunities. It will remove the opportunity to expand the opportunities for both women and minorities.

Ms. HOYTT. And it certainly limits the opportunities for women and minorities. Historically, that has been the source for much of the employment pattern. When there has been mobility, it has been within that context, and we find that those older women, our members, who are being displaced have no place to go. They don't integrate into corporate America.

Senator SIMON. Ms. Hoytt, You mentioned one woman who experienced sexual harassment. If you could contact her and say if she is willing to talk to someone on my staff, I can't promise that we can get any results, but we can certainly get the Freedom of Information Act complied with, and we want to take a look at that.

Let me ask a personal question. If you care to not answer this, please feel free. You both tied in the question of sexual harassment with the glass ceiling, and you mentioned, Ms. Taylor, people who have come out since the hearings the other day. I have experienced the same, people telling me of experiences they have had years ago that they have never talked to anyone about before, and that is a healthy thing that people are coming out openly about.

If I may ask this personal question of both of you—and I am not going to ask anything else specifically about this, but have either of you experienced the problem of sexual harassment? Ms. Hoytt.

Ms. HOYTT. I have very covertly, and I immediately left the employment. It was not a question for me. I had finished graduate school. I had two degrees then, and so it was a question of my leaving. And I confronted the person, but I am real clear on those things. I have much less of a problem than most people in confronting those kinds of harassment activities.

Senator SIMON. And instead of a woman with two degrees, if you were a waitress with very limited education or, you know, any number of other positions you can mention, it would be a very severe problem?

Ms. HOYTT. It would be a very severe problem because there are so few options. I happened to be in the South with a very supportive family, having just received a job after receiving a master's degree, and could immediately walk off the job because I had not planned my career around that.

And I think that when you have no options, as most women don't, and particularly black women don't, you tend to think twice before revealing it, before walking off the job. And you also have the expenses of taking care of families and other kinds of expenses.

And I was single, young, and I considered myself talented and with degrees, and had mobility. That didn't always pan out, but at that time that is what I thought.

Senator SIMON. Ms. Taylor.

Ms. TAYLOR. Yes, Senator, I have personally experienced sexual harassment prior to joining Southwestern Bell Telephone, and I have 20 years' service with the company. My story is not unique or special or unusual. I was young, I was vulnerable, I was economically dependent, and I didn't tell anyone until more than 20 years later as a result of the Thomas confirmation hearings.

At the time, I didn't have a label to put on the unwanted attentions of a power figure. Sexual harassment, as a term, was not in the vernacular at that time. But with all the press surrounding Professor Hill's testimony before the Judiciary Committee, I have come to understand that sexual harassment is less about sex and more about power. It is a way for powerful men to keep women in their place.

Through harassment, men devalue women's roles in the workforce by relating to them as sex objects. Harassment is a way for a man to make a woman vulnerable. Studies have shown that only 3 percent of women who have been harassed make a formal complaint, and I have talked with women from all across this country since the Thomas hearings who have shared their personal stories with me on the basis that it would be first name and State only, not even city, not employer name, but just Kate from Indiana.

And as a result of that, I have found that of the 3 dozen women incidents that I have talked to women about myself within the past week, that there were only three who complained in terms of glass ceiling discrimination and in terms of opportunity to advance. There were only three who complained on sexual harassment. So the numbers who complain are very small, but I believe that it is a greatly underreported cause of women leaving employment, just as Debbie did—quit. Her husband didn't even know; cut their family income in half, didn't know why. I think it is a very underreported cause of employee turnover.

Senator SIMON. And how does that relate to the glass ceiling?

Ms. TAYLOR. Well, in my opinion, they both stem from the same underlying attitude about the perceptions of what is the proper role of a woman in this society. While the Thomas confirmation hearings were going on, I was at the St. Louis airport and I saw a young man with a T-shirt, and the letters were about as big as the letters on an eye chart, about 2, 3 inches high—big black letters on a white T-shirt that said, "Shut up, stupid bitch." And I was shocked and I was offended. That is the underlying attitude.

It was real sad that here is a young man who has that much hostility against women that he would wear this kind of a T-shirt, but that is the underlying attitude of wanting to put women in their place that underlies sexual harassment and the glass ceiling, and that is the attitude of keeping women in their place.

Senator SIMON. Ms. Hoytt.

Ms. HOYTT. I also think that it limits the experiences of women because even if the woman will not report it, she often will not seek the advances and the promotions, as well as the additional opportunities to be in that track because of that power relationship. I

agree, it is a power relationship, and often women are very vulnerable, and those who are very ambitious get caught up in the dilemma of career versus self-esteem, etc. So I think that if you leave that employment, you may not get a reference or you have short-term employment. If you stay, you are subject to continued harassment.

Senator SIMON. And if I can use your illustration, when you left the one job because of that, you had to start off at the very bottom again in the other position.

Ms. HOYTT. Absolutely.

Senator SIMON. We thank you both for your testimony and for helping to enlighten all of us on this problem.

Our final panel is Judith Lichtman, the president of the Women's Legal Defense Fund, and Marcia Greenberger of the Women's Law Center, both located here in Washington. We thank you both, and I have seen both of you just recently in other surroundings very actively promoting the cause of women. I appreciate your leadership, both of you, and having you here.

Any preference on who goes first?

Ms. LICHTMAN. No. I was just going to ask two of our staff members who have helped us a great deal in preparing for today's testimony, Holly Fechner and Tracy Higgins, to join us, if that is okay with you.

Senator SIMON. OK. Do you want to repeat those names again for the reporter?

Ms. LICHTMAN. Sure. Tracy Higgins, of the National Women's Law Center, and Holly Fechner, with the Women's Legal Defense Fund.

Senator SIMON. OK. We thank you both very much. If you have no preference, we will let Judith Lichtman go first.

STATEMENTS OF JUDITH L. LICHTMAN, PRESIDENT, WOMEN'S LEGAL DEFENSE FUND, WASHINGTON, DC, ACCOMPANIED BY HOLLY FECHNER; MARCIA D. GREENBERGER, CO-PRESIDENT, NATIONAL WOMEN'S LAW CENTER, WASHINGTON, DC, ACCOMPANIED BY TRACY E. HIGGINS, STAFF ATTORNEY, NATIONAL WOMEN'S LAW CENTER; AND ELEANOR CUTRIE SMEAL, PRESIDENT, THE FEMINIST MAJORITY FOUNDATION, ARLINGTON, VA

Ms. LICHTMAN. Mr. Chairman, I am Judith Lichtman, the president of the Women's Legal Defense Fund, an organization that is a leading force in the drive to achieve equality for American women. I am pleased to appear before the Subcommittee on Employment and Productivity today regarding the glass ceiling's impact on American women.

I have submitted for the record, Senator Simon, a rather lengthy statement that I hope you will include.

Senator SIMON. Your full statements will be entered in the record, as well as those of other witnesses.

Ms. LICHTMAN. I will give this statement which I hope is much shorter.

The Department of Labor defines the glass ceiling as, "artificial barriers that prevent qualified individuals from advancing upward into management level positions.". However, the definition fails to

acknowledge that sex discrimination hinders women at every step and at every level of the workforce. Indeed, discrimination prevents most women from ever reaching positions where they can ever see the glass ceiling.

To further understand the term "the glass ceiling," one must look at its component parts, the specific behaviors, practices and attitudes that prevent women's advancement in the workplace.

Working women face discrimination at every turn, at the point of hire, as well as on the job. Pay inequities, sex stereotyping, mommy track practices, sexual harassment, lack of job-protected leave, and discrimination based on pregnancy and marital status are all components of this glass ceiling discrimination. Women of color face an even greater burden of discrimination based on both race and gender.

Let me give you some real-life examples. First, consider Diane Jackson of Newton Square, PA, an up and coming buyer for a large retail company. According to Ms. Jackson, her employer did not have an official pregnancy and childbirth leave policy. However, other employees had been granted 8 weeks of unpaid leave in the past, and the company agreed that Ms. Jackson could also take an eight-week leave when her baby was born.

Six weeks into her leave, Ms. Jackson called her employer to say she would be returning soon, but several days later she received a terse three-sentence letter informing her that her job was no longer available. The company had hired someone else to fill her position.

It took Ms. Jackson 10 months to find another job. Her career was dramatically set back, as it took 3 years at three different jobs for Ms. Jackson to reach the position at her previous salary and seniority level. I think you would agree with Ms. Jackson's observation, "Women shouldn't have to lose their jobs just to have a baby."

Next, consider the case of Helen Brooms, a black woman who worked as an industrial nurse. Time and time again, her supervisor showed her pictures of black women performing acts of bestiality. The harassment peaked the day Ms. Brooms' supervisor showed her yet another offensive picture, grabbed her arm and threatened to kill her. She ran away screaming and fell down a flight of stairs. She later quit her job.

Ms. Brooms was unable to work regularly for several years afterwards. When Ms. Brooms sued her employer, the court agreed that Ms. Brooms had been sexually harassed and awarded her back pay, but she received no compensation for her extensive medical costs because under current law there is no provision for damages for sexual harassment.

Finally, let me share the story of Pat Carroll, a black woman from Houston, TX. Ms. Carroll testified that after 6 years as a highly-commended senior claims representative with an insurance company, she sought a promotion. When Ms. Carroll's supervisor, she assumed those duties, but did not receive the concomitant salary or respect.

She was told to continue, "until the company could find the best man for the job." Ms. Carroll left that already untenable situation after many frustrating months in which she was prevented from

supervising white staff members, humiliated in front of her staff, and in which her files were sabotaged to make her look and feel incompetent.

Like Ms. Brooms, she sued, and a jury awarded her back wages, plus $26,650 for embarrassment and emotional distress, and $119,300 in punitive damages. Unfortunately, because of the current State of anti-discrimination law, she lost everything but the back pay portion of that award. She relates, "The scars of the suit may heal, but I will never get over the fact that the judicial system has failed me."

These three women are the kind of people trapped behind the glass ceiling figures. Ms. Jackson lost her job because she was forced to choose between work and family responsibilities. Ms. Brooms hit the glass ceiling when she was sexually harassed by her supervisor. Ms. Carroll's case illustrates the resistance and humiliation women meet as they attempt to progress up the corporate ladder, particularly when they must overcome both racism and sexism.

These women represent the thousands of individuals across this country who learn painfully that the glass ceiling is really many layers of barriers to women's advancement. I offer two specific and timely solutions to peel back some of these layers.

First, vigilant Congressional oversight is necessary to ensure that the Office of Federal Contract Compliance Programs, the Equal Employment Opportunity Commission, and the Department of Justice maintain a strong and effective enforcement stance.

Second, enactment of two pieces of legislation now pending before Congress is necessary. Both the Family and Medical Leave Act and the Civil Rights Act of 1991 are significant and concrete measures that can help chip away at the glass ceiling barrier women face.

As you know, the Family and Medical Act would ensure that American workers faced with family and medical emergencies, like Diane Jackson, would not be forced to choose between their families and their jobs. The Senate underscored the importance of this legislation by passing the Family and Medical Leave Act on October 1, 1991, with the support of 68 Senators. If, after House passage, which is expected in the very near future, the President refuses to sign this legislation, I urge you to vote to override his veto.

Congress must also take the lead on the Civil Rights Act. It corrects anomalies in the law by providing compensatory and punitive damages for victims of sex discrimination, like Helen Brooms and Pat Carroll—remedies that have been available to victims of race and national origin discrimination for more than 100 years.

The Civil Rights Act also overrules a number of disastrous 1989 U.S. Supreme Court decisions that eviscerated legal protections against job discrimination. I urge all of the Senate to vote for the Civil Rights Act that establishes full and equal damages for women who have suffered intentional discrimination.

Congress must not retreat from its 27-year commitment to equal employment opportunity. On the heels of the Labor Department's significant report on the glass ceiling, it is imperative that you act with speed and conviction to confront discrimination through strengthened enforcement and effective legislation. We support a

commission to study the glass ceiling effect, but urge you to act immediately to correct this serious problem rather than merely studying it.

Thank you.

[The prepared statement of Ms. Lichtman follows:]

PREPARED STATEMENT OF MS. LICHTMAN

Mr. Chairman and members of the committee: I am Judith Lichtman, President of the Women's Legal Defense Fund (WLDF), an organization that has been a leading force in the drive to achieve equality for women throughout the United States. We are committed to the development of public policy that will allow women to cope with the multiple responsibilities of work and family and to achieve equality and social justice in all aspects of our society. In working toward the goal of economic justice for all women, WLDF advocates for strong laws, regulations, and policies to guarantee that women's participation in the labor force, and in society as a whole, is free of sex discrimination.

I am pleased to have the opportunity to appear before the Senate Committee on Labor and Human Resources Subcommittee on Employment and Productivity today regarding the glass ceiling and its effects on American women. I appreciate your concern regarding this crucial public policy problem facing us. Indeed, I am happy to share with you reasons why the glass ceiling can no longer be ignored and to discuss the Department of Labor's "A Report on the Glass Ceiling Initiative" and Senator Dole's proposed "Glass Ceiling Act of 1991."

STATUS OF WOMEN IN THE WORKFORCE

The facts demonstrate overwhelmingly the existence of a glass ceiling for women, and for people of color, in the workplace. According to the Department of Labor study of nine *Fortune* 1000 companies, only 6.6 percent of managers at the executive level are women and only 2.6 percent are minorities. Women comprise only 16.9 percent of persons in all levels of management although they represent 37.2 percent of all employees.[1] Furthermore, women are not rewarded for their greater years of work experience. Median earnings for women aged 40 to 44, who are employed year-round and full-time are $22,000—about the same as the median earnings for men aged 25 to 29 just beginning their work lives.[2] The overall wage gap between men and women also offers a painful illustration of the effects of sex discrimination. Women still earn only 66 percent of men's annual earnings. Because women of color suffer from multiple discrimination, their wages as compared to white men are even more dramatic. African American women receive only 60.7 percent of Caucasian men's earnings; Hispanic women only 54.5 percent.[3]

Discrimination against women in employment costs our country dearly. When we deny women and people of color employment opportunities, we deny our country the full benefit of its citizenry. If anyone doubts that women are a crucial segment of the American work force and will become even more essential in the future, one need only remember that women constituted 45 percent of all employed workers in 1988. Women are exactly half of the African American work force, and almost 40 percent of the Hispanic work force.[4] By the end of the century, more than 60 percent of all women will be working, and 47 percent of the total work force will be made up of women.[5]

The increase in the number of working mothers is similarly dramatic. Seventy-two percent of all mothers of school-aged children now work outside of the home for pay, an increase from 55 percent in 1975.[6] These women work because they must

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[1] U.S. Department of Labor, *A Report on the Glass Ceiling Initiative*, at 6 (1991).

[2] Hartmann & Spalter-Roth, Institute for Women's Policy Research, *Improving Employment Opportunities for Women*, Testimony Concerning H.R. 1, Civil Rights Act of 1991, U.S. House of Representatives Committee on Education and Labor, at 4 (February 27, 1991).

[3] Census Bureau, U.S. Department of Commerce, Current Population Reports, Consumer Income, Series P-60, no. 166.

[4] Women's Bureau, Office of the Secretary, U.S. Dept. of Labor, *Twenty Facts on Women Workers*, Fact Sheet No. 88-2, 1 (1988). *See also Workforce 2000* at 85, Table 3-4 (predicting women will comprise 45.8 percent of the work force in 1990).

[5] *Id.*

[6] *Occupational Segregation: Understanding the Economic Crisis for Women*, at 2 (Chicago: Women Employed Institute 1988).

support themselves and their families. Discrimination thus threatens not only the economic, physical, emotional, and social well-being of these women themselves, but also that of their families. Women—women of all races—are one of America's most important resources. Job discrimination against women, including the glass ceiling effect, must be eradicated before America can reach its full potential.[7]

THE GLASS CEILING EXAMINED

The term "glass ceiling" has become widely used over the past few years. Although it has proved to be a useful term in focusing public discussion on an important problem, I fear that it may also often obscure the very real problems of discrimination that women face in the workplace. As popularly discussed, the glass ceiling represents a barrier through which women and people of color can see management-level positions, but which they cannot actually pierce. But if one examines these barriers, the glass ceiling is just another name for discrimination against women and people of color.

The Department of Labor defined the glass ceiling as "those artificial barriers based on attitudinal or organizational bias that prevent qualified individuals from advancing upward in their organization into management-level positions." [8] The department's definition is fine as far as it goes, but it fails to address the expansive dimensions of the problem. The reality is that women are hindered in employment advancement at every step of the way, not merely in advancing into management positions. In fact, discrimination against women prevents them from retaining or reaching positions from which they can even see the glass ceiling.

What I would like to do today is to break down that overarching term—the glass ceiling—into its component parts, and to discuss with you the specific behaviors, practices, and attitudes women face in the workplace that create barriers to their advancement. To help women break through the glass ceiling, I will ask you to reaffirm this country's commitment to equal employment opportunity and equal justice under the law for all by strengthening enforcement of current legislation. I will also ask you to support pending legislation that specifically addresses the underlying causes of the glass ceiling—the Family and Medical Leave Act (FMLA), the Civil Rights Act of 1991 (CRA), and the Nontraditional Employment for Women Act (NEW). Finally, I believe that the Glass Ceiling Act of 1991 in and of itself will not solve the problems it is designed to solve.[9]

SEX DISCRIMINATION AT WORK

American women face discrimination in employment at every turn. First, they may be discriminated against in hiring and are frequently funneled into sex-stereotyped positions.[10] These problems of access prevent women from even walking through the door of employment opportunity. At a second stage, some women are discriminated against on the job. Pay inequities,[11] "mommy-track" practices, sexual harassment, lack of job-protected leave, and discrimination based on pregnancy and marital status all lower the glass ceiling that prevents women from reaching higher level positions. Women of color often face an added burden of multiple discrimination based on both gender and race.

I would like to address three particularly onerous barriers that women face in greater detail. I think you'll agree that these issues—barriers due to family care responsibilities, sexual harassment, and discrimination against women of color—are particularly timely.

WORK AND FAMILIES

First, working women face barriers to workplace advancement because they disproportionately have family caretaking responsibilities that conflict with work responsibilities. Four decades of demographic and economic changes have dramatical-

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[7] Demographic trends indicate that workplace discrimination is not only unjust, but also inefficient. The number of women in the work force has skyrocketed. In the next decade, five out of every eight new entrants into the labor force will be women. The Hudson Institute, *Workforce 2000: Work and Workers for the 21st Century* 89 (1987). People of color will make up 29 percent of the net addition to the labor force during these years—with Black women comprising the largest share of the increase in the nonwhite labor force. *Id.*

[8] U.S. Department of Labor, *A Report on the Glass Ceiling Initiative*, at 1.

[9] At the very least, the glass ceiling provision should provide for the evaluation of Federal enforcement agencies as the House version does.

[10] Hartmann & Spalter-Roth, *supra* note 2, at 8–10.

[11] Hartmann & Spalter-Roth, *supra* note 2, at 7 (finding that "in nearly every occupation women earn less than men") (emphasis in original).

ly transformed the composition of the American work force and the nature of the American family. One of the most important shifts stems from the significant influx of women into the labor force. After years of steady increases, more than 70 percent of all American women ages twenty to fifty-four now work outside the home for pay.[12]

Women who have entered the labor force frequently continue to bear significant family responsibilities, and they routinely experience conflict between work and family demands. They frequently lose or must quit their jobs when they give birth to or adopt a child or care for a sick child, spouse, or elderly relative. Women may be forced to take jobs with shorter hours or less responsibility than their male counterparts because most full-time, high-level jobs do not easily accommodate family responsibilities. As a result, women's overall earning capacities are lower and their employment tenures shorter. Employment policies that accommodate women's important family responsibilities are necessary if women are to achieve meaningful equality in the workplace.

Some current law and policy does help working women overcome this barrier. For example, discrimination against women based on pregnancy is already prohibited under Title VII. The Pregnancy Discrimination Amendment, passed in 1978, provides that women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes as other persons not so affected but similar in their ability or inability to work. However, pregnancy discrimination continues, despite the law's prohibition. Moreover, even absent discrimination, no current law provides job-guaranteed leave to women and men to care for a newborn or newly adopted child or to care for a sick child or an elderly parent. The pending Family and Medical Leave Act addresses this unmet need.

SEXUAL HARASSMENT

Working women are also denied workplace opportunity because of pervasive sexual harassment. Sexual harassment is offensive and unwelcome attention in the form of sexually suggestive gestures or remarks, pressure for dates or sexual favors, touching, or actual or attempted rape or assault. In a widely-cited study of sexual harassment, the U.S. Merit Systems Protection Board found that 42 percent of women had experienced sexual harassment on the job.[13] Other studies show higher percentages of harassment of working women.[14]

Unfortunately, sexual harassment is significantly underreported. For example, only 5 percent of the government employees reporting harassment in the Merit Systems Protection Board survey actually filed a formal complaint or requested an investigation. A 1988 survey by *Working Woman* magazine found that fear of retaliation was cited as the chief reason for not reporting incidents of harassment. Employees generally lacked confidence in the complaint structure and would often delay or avoid reporting harassment. In many cases, women found it easier to put up with harassment or quit instead of reporting it. The pervasiveness of sexual harassment creates substantial barriers to the advancement of women in employment.

Unchecked sexual harassment costs America substantial amounts of money. The Merit Systems Protection Board study estimated that sexual harassment cost the government $267 million over a 2-year period in lost productivity and employee turnover. The 1988 *Working Woman* survey found that sexual harassment costs the typical Fortune 500 company $6.7 million per year in lowered morale and productivity, increased absenteeism, and employee turnover.

The Supreme Court decided unanimously in 1986 in *Meritor Savings Bank v. Vinson* that sexual harassment is a form of sex-based discrimination in violation of Title VII of the Civil Rights Act. The decision clarified that hostile environment harassment and *quid pro quo* harassment state a claim of sex discrimination under Title VII. Presently, however, little incentive exists for women to bring sexual harassment claims. Under Title VII, women subjected to sexual harassment in the workplace are entitled only to equitable relief, not compensatory or punitive damages. In addition to lack of economic incentive, women regularly refuse to bring

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[12] Bureau of Labor Statistics, U.S. Department of Labor, *Employment in Perspective: Women in the Labor Force*, Report No. 747, at 2 (1987).

[13] U.S. Merit Systems Protection Board, *Sexual Harassment in the Federal Workplace: Is it a Problem?*, Washington, D.C.: U.S. Government Printing Office (1981) and (1988).

[14] A 1990 study of sexual harassment in the military revealed that 64 percent of women surveyed reported they had been sexually harassed. In a recent study on college campus life, 62 percent of presidents at research-oriented universities said sexual harassment was a moderate or major problem. Carnegie Foundation for the Advancement of Teaching and the American Council on Education, *Campus Life: In Search of Community* (1990).

sexual harassment claims because of historical distrust of women's testimony. Women do not want to file complaints or go into court to tell of some of the most intimate details of their lives—only to be disbelieved and even ridiculed or attacked. If a woman as credible as Professor Anita Hill can be met with such hostility and skepticism, so can any woman.

DISCRIMINATION AGAINST WOMEN OF COLOR

If sexual harassment is an issue upon which we must focus, women of color is a group to which we must pay particular attention. Women of color often face employment discrimination based both on their race and gender. Greater pay disparities exist between women of color and white men than between white women and white men. For example, a recent study by the Institute for Women's Policy Research found that while white women were three times more likely to work in low wage jobs as white men and men of color were one and one-half time more likely, women of color were four times more likely to work in low wage jobs as white men.[15] Likewise, women of color who are subjected to sexual harassment at work face a complex mixture of racial and sexual harassment in which it is often impossible to separate one from the other. Often sexual harassment of women of color is based on racial and sexual stereotypes of women of color as available sexually.[16]

Unfortunately, neither courts nor enforcement agencies have interpreted existing regulations to address discrimination against women of color specifically. Most courts do not attempt to account for the synergistic effects of multiple discrimination; and the enforcement agencies do not pursue discrimination against women of color *per se*.[17] The result is that the glass ceiling is "nearly impenetrable" for women of color.[18] Legal interpretation and enforcement mechanisms must recognize discrimination against women of color as a unique historical and analytical category.[19]

BREAKING THE GLASS CEILING

How can these various forms of discrimination against women and people of color be addressed? First, laws designed to address employment discrimination against women must be more effectively enforced. Second, significant pending legislation—the Family and Medical Leave Act, the Civil Rights Act of 1991, and the Nontraditional Employment for Women Act—designed to break the glass ceiling that keeps women out of upper-level positions should be enacted.

EFFECTIVE ENFORCEMENT OF EXISTING LAWS

An antidiscrimination law enforcement system is in place, but vigilant Congressional oversight is necessary to ensure that the responsible agencies develop and maintain a strong and effective enforcement stance. Three agencies have primary responsibility for enforcing Federal antidiscrimination law in employment: the Office of Federal Contract Compliance Programs (OFCCP), the Equal Employment Opportunity Commission (EEOC), and the Department of Justice (DOJ). The Women's Legal Defense Fund monitors these agencies' enforcement practices.

The OFCCP is part of the Labor Department's Employment Standards Administration. It implements Executive Order 11246, as amended, which prohibits discrimination by Federal contractors on the basis of sex, race, religion, or national origin,

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[15] Hartmann & Spalter-Roth, *supra* note 2, at 10.

[16] Ellis, *Sexual Harassment and Race: A Legal Analysis of Discrimination*, 8 J. Legis. 30 (1981).

[17] Some courts treat discrimination against women of color as separate sex and race discrimination piled on top of one another, even though women do not experience it this way. *Compare Degraffenreid v. General Motors Assembly Div.*, 413 F. Supp. 142 (E.D. Mo. 1976) (addressing an African American woman's claims of race and sex discrimination as two distinct and separate causes of action and finding that a consideration of the interaction of race and sex would create an unintended "super remedy" for African American women) *with Jeffries v. Harris County Community Action Ass'n*, 615 F.2d 1025 (5th Cir. 1980) (rejecting *Degraffenreid* analysis, concluding that Title VII does recognize compound discrimination claims brought by African American women and that discrimination against African American women can exist even in the absence of discrimination against men of color or against white women). *See generally* b. hooks, *Ain't I a Woman: Black Women and Feminism* (1981) (discussing racial and sexual stereotypes of African American women).

[18] U.S. Department of Labor, *A Report on the Glass Ceiling Initiative*, at 7 (citing Heidrick & Struggles, Inc., *The Woman Corporate Officer* (1986)).

[19] *See* Scarborough, *Conceptualizing Black Women's Employment Experiences*, 98 Yale L.J. 1457 (1989).

and requires contractors to take affirmative action to ensure equal employment opportunity. When effectively enforced, the Executive Order's affirmative action requirement is a tremendous tool for expanding employment opportunities for women and people of color. For example, the banking industry showed steady improvement in hiring and promotion practices when the OFCCP targeted it in the 1970s. In 1970, only 17.6 percent of bank officials and financial managers were women; by 1981 that figure had more than doubled to 38 percent.[20] The Executive Order's effectiveness depends greatly on the administration's commitment to enforce it—because only the Department of Labor can sue violators for debarment and other remedies.

The Department of Labor report on the glass ceiling virtually ignores this tool; it calls merely for employers to take voluntary measures to address discrimination in their workplaces. Unfortunately, voluntary measures have not been sufficient to eradicate discrimination. While the department has taken steps to honor and to recognize publicly companies that work to remove artificial barriers to career advancement, it has not fully used the power granted to it by Executive Order 11246 to ensure compliance by those Federal contractors that are guilty of discrimination at upper levels of employment. For example, the OFCCP under the Bush administration has only used its debarment power once as compared with 13 debarments during the Carter administration.[21]

The EEOC is responsible for enforcing Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. In addition, under Executive Order 12067, it is charged with providing leadership and coordination among the Federal agencies involved in equal employment opportunity issues.

Yet, the EEOC fails Americans in a number of important respects. Its large backlog and slow response time do not serve claimants effectively.[22] Its record for providing favorable case resolution to claimants remains poor. Its settlement rates are low while no-cause finding are exceptionally high.[23] Indeed, there is reason to be concerned that the EEOC is sacrificing the quality of its investigations in an effort to reduce its considerable backlog.[24] Class action suits, a tactic proved to maximize limited resources for greatest effect, are underused by the EEOC. Despite record increases in the total number of cases filed, the EEOC has persistently failed to engage in classwide actions, focusing instead on litigating individual claims.[25]

Finally, Title VII also authorizes the Attorney General to initiate civil litigation to redress employment discrimination by units of state and local government. The department is also authorized to bring suit against Federal contractors. Unfortunately, it has not implemented an affirmative equal employment opportunity agenda under the Bush administration. The department has failed to create a coherent litigation strategy, and it has shirked its responsibilities in policy development and enforcement efforts.

The equal employment opportunity enforcement agencies must become strong supporters of civil rights. They should support passage of the Civil Rights Act of 1991, instead of actively opposing its passage. They must establish an affirmative agenda in battling employment discrimination, including support for the Fuse of goals and timetables. Aggressive, committed enforcement efforts are critical in translating the ideal of equal employment opportunity into reality.

PENDING LEGISLATION

In addition to enforcing current legislation to ameliorate the effects of the glass ceiling, I implore Congress to pass a number of significant legislative measures for expanding equal employment opportunities for women and people of color. These bills include the Family and Medical Leave Act, the Civil Rights Act of 1991, and

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[20] Statement of the Women's Legal Defense Fund before the U.S. Civil Rights Commission, *Consultation on Affirmative Action* (March 5, 1985); *see also Examination on Issues Affecting Women in Our Nation's Labor Force: Hearings Before the Senate Comm. on Labor and Human Resources*, 97th Cong., 1st Sess. (1981) (statement of Betty Jean Hall, Director, Coal Employment Project, discussing improvements in the coal industry).

[21] During the Reagan administration, the OFCCP debarred only four companies.

[22] Women Employed Institute, *EEOC Enforcement Statistics* (1991).

[23] *Id.*

[24] See General Accounting Office, *EEOC and State Agencies Did Not Fully Investigate Discrimination Charges* 10–22 (1988) (finding that 41 to 82 percent of charges closed by the EEOC with a no-cause determination had not been fully investigated).

[25] *EEOC Enforcement Statistics, supra* note 22.

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the Nontraditional Employment for Women Act.[26] If these bills are vetoed, then Congress must override the veto, to ensure they become law.

In vetoing the Family and Medical Leave Act in June 1990, President Bush rejected a crucial piece of legislation that addressed the needs of American workers while expanding employment opportunities for women and other employees with pressing family responsibilities. The FMLA goes beyond antidiscrimination law to provide job security to employees who must, take unpaid leave to care for their families or for their own serious health conditions. The purpose of the FMLA is to ensure that American workers faced with family and medical emergencies need not be forced to choose between their families, their health, and their jobs. The Senate clearly saw the importance of this legislation when it passed the FMLA on October 1, 1991, with the support of 68 Senators. If, after House passage, which is expected in the very near future; the President will not sign this legislation, we urge you to vote to override his veto.

Congress must also take the lead on another important front in which the President has failed Americans. The Civil Rights Act of 1991 corrects anomalies in existing equal employment opportunity law by providing compensatory and punitive damages for victims of sex and religious discrimination—remedies that have been available to victims of race and national origin discrimination for more than 100 years. The CRA also overrules a number of disastrous 1989 Supreme Court decisions that eviscerated legal protections against job discrimination. Unfortunately, the current Senate and House versions of the CRA limit damages recoverable by victims of sex discrimination, including sexual harassment. I urge you to vote for a civil rights act that establishes parity of damages for women and people of color.

In addition, the pending Nontraditional Employment for Women Act would help women overcome entry-level employment discrimination. As discussed above, many women face discrimination which prevents them from retaining a job from which they can even see the glass ceiling. This bill authorizes $1.5 million in existing funds over 4 years for annual grants to states to develop and expand special job training programs for women. These programs target nontraditional employment fields such as construction and truck driving, in which women comprise less than 25 percent of the workforce. The NEW Act was proposed, in part, to respond to a Congressional finding that single women head over half of the 7,000,000 families that live in poverty in the United States, and a recognition that women would gain considerable economic security and independence through training in traditionally male occupations.

Senator Dole's "Glass Ceiling Act of 1991," S. 1711, standing alone, pales in relevance and substance in addressing the glass ceiling as compared to the FMLA, the CRA, and the NEW Act. The Glass Ceiling Act (GCA) creates a commission to study the glass ceiling and report its findings to the President. It also creates an award to be given each year for 4 years to the companies who make substantial efforts toward breaking the glass ceiling. Although the Women's Legal Defense Fund does not oppose the passage of this Act, we highlight the following limitations for your consideration.

The most glaring deficiency of the GCA is its highly circumscribed purpose and powers. The Act provides merely for the creation of a commission to study the glass ceiling and make recommendations to the President. It does not provide for an enforcement mechanism or any procedure to implement changes in response to its findings. The Act's attempt to create a carrot for voluntary change on the part of businesses in the form of an award is insufficient.[27] Unfortunately, as discussed above; voluntary initiatives have never been enough to eradicate discrimination. If an award is to be given, other categories should be created, such as small businesses, training projects, and unions, which are eligible to receive an award.

Nor does the GCA address the need to improve the enforcement efforts of the Department of Labor. The department must be held accountable to fulfill its Congressional mandate to enforce equal employment opportunity laws effectively. The Civil Rights Act passed by the House this year contains a section that creates a glass ceil-

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[26] For an overview of relevant legislation, see Lichtman, et al., *The Legislative Glass Ceiling: The 101st Congress' Record on the Women's Agenda* (1991).

[27] If the President is to reward businesses under this Act, that section of the proposed legislation must be more clearly delineated. The Act should address how many awards will be given out and whether different categories of businesses should be created. In addition, the test of "substantial efforts" must be rethought. Companies should be rewarded for achieving diverse results in the composition of their workforce, rather than merely rewarding efforts. Furthermore, the Act should more clearly describe how a business that receives a reward must help other businesses in order to use the award in its advertising.

ing commission. Unlike the GCA, that legislation provides that the commission shall "evaluate the efficacy of enforcement . . . of Federal equal employment opportunities laws by Federal agencies . . .[28] The GCA should also provide for the evaluation of Federal enforcement agencies.[29]

CONCLUSION

Congress must not retreat from its 27-year commitment to equal employment opportunity. On the heels of the Department of Labor's important report on this matter, it is imperative that you act with speed and conviction to confront the glass ceiling through strengthened enforcement and effective legislation. We a support a Commission to study the glass ceiling effect, but urge you to refrain from merely studying this problem, rather than acting to correct it.

Senator SIMON. Thank you very much.

Marcia Greenberger, we are happy to have you here again.

Ms. GREENBERGER. Thank you, Senator Simon.

I am here today on behalf of the National Women's Law Center; also, Women Employed, an organization that is devoted to advancing the cause of working women that is based in Chicago. The National Women's Law Center, as well, has been working to develop public and private sector policies to protect the needs and rights of working women and their families.

We are here representing Women Employed certainly because our interests are allied; also, because we had first-hand experience with how important enforcement of the law can be in breaking down the glass ceiling. We were involved in a case against a very large Chicago bank, the Harris Bank case that was brought many years ago by the Office of Federal Contract Compliance Programs in the Department of Labor. It ultimately led to a settlement of $14 million in back pay, the largest back pay award ever received under the executive order program, and training programs on the part of the bank, education efforts on the part of the bank to try to move women and minorities up through that glass ceiling that they had faced at Harris Bank and at many banks, obviously, and many other institutions throughout the country. That experience really, I think, underlies our testimony here today.

We want to commend you for holding these hearings on the important issue of the glass ceiling. It obviously describes, as has been discussed very eloquently by others here before me, the underrepresentation of women and minorities in the upper echelons of our institutions, be they large corporations or small, and the Government itself.

The glass ceiling prevents women and minorities from realizing their potential as workers, from enjoying the full benefits of their effort and training, and from providing a better standard of living for their families, but also, it should not be forgotten, from fully contributing their talents and skills to the productivity of our country.

While we are very pleased with the attention that is being devoted to this problem, and we welcome the opportunity to share our view of the steps necessary to break the glass ceiling, we must say

[28] Section 201(j)(1)(E).

[29] A further problem with the GCA flows from its representation structure. Section 3(b)(2) addresses the appointment of members to the commission. No attempt is made to assure balance among the three categories of interests—public interest groups, management, and, academic experts—to be appointed.

that we must emphasize first that it is essential and important in any effort with respect to a commission that there be strong laws that work in tandem with educational efforts and voluntary efforts. If the laws are not in place that set the standards of behavior, if enforcement mechanisms are not in place, we fear that a commission, however well-intended, whatever its design, will be doomed to failure.

The legislative proposal creates a commission whose purpose is to conduct further research and analysis and to encourage voluntary efforts through awards to companies. Although the objectives of this bill are laudable, the proposed scheme, like the Department of Labor's glass ceiling initiative which emphasizes the same components, must work, as I said, within a context of a broader effort to strengthen and enforce the laws prohibiting discrimination in the workplace.

The first step toward developing strategies to break the glass ceiling must be the realization that the barriers which create the glass ceiling are discriminatory and are in violation of the law. When women and minorities are denied opportunities for advancement, left out of the network, channeled into dead-end jobs, they are being discriminated against. Thus, the elimination of the practices which lead to the glass ceiling must be an essential part of the administration's responsibility for enforcing the civil rights laws, and it is not enough, as we fear seems to be the message of the glass ceiling report issued by the Department of Labor, that there be an emphasis and reliance solely on voluntary efforts of corporations and educational efforts and exhortations by the department.

We must assure that there are strong laws, as well, and currently we neither have the laws that we need nor the enforcement. As Ms. Lichtman just discussed, passage of the Civil Rights Act of 1991 represents an essential step toward destroying the glass ceiling, and we know that that Act is, in fact, expected to be on the Senate floor today for debate.

It would overrule key U.S. Supreme Court decisions which eviscerated Title VII's effectiveness against employment practices that have a harmful and disparate impact on women and minorities. Many of these practices are the very one identified by the Department of Labor and highlighted as those which have kept women and minorities from management level jobs and have created the glass ceiling.

The kinds of business practices that deal with clubs where women often are not members, informal recruitment networks, a variety of tests, and many other practices highlighted time and time again are precisely the targets of the Civil Rights Act.

In addition, the kind of intentional discrimination that keeps the glass ceiling in place, such as sexual harassment, the simple refusal to promote a woman past a certain point, or a minority, the purposeful denial of access to clients, the denial of institutional support or career development, also are targets of the Civil Rights Act, and without its passage I fear we will not be able to break through the glass ceiling.

Ms. Lichtman talked about the failure of the law to provide compensatory and punitive damages for victims of sex discrimination,

and the Civil Rights Act would fill that gap and create a much more equitable situation under the law.

I, too, have examples of women who are victims of sexual harassment, and victims of other forms of purposeful sex discrimination. The examples that I wanted to talk about briefly involve women who did come forward, woman who took the extraordinary step and the painful step and the courageous step of bringing a case in court. These are women who proved their case, who established before a judge that they were right. They were purposefully discriminated against because of their gender, and these are women who went away with no compensation for the injuries that they proved and, as a result, whose employers wound up in the end prevailing, for it was the women who had to bear the costs of the discrimination, not the employers who had created it.

They are women like Nancy Isold, who brought a case, who, in fact, testified in hearings around the Civil Rights Act, and who proved that she was denied a partnership in a major Philadelphia law firm because of sex discrimination. The damage to her career was never compensated for because there are no damage remedies for sex discrimination under the law.

There is a woman like Dr. Jean Ju, who brought a case, showed that she was discriminated against, that she bumped up against that glass ceiling, and that her scientific career was forever damaged. She, too, was unable to recoup those damages; women like Nancy Phillips, who were fired, proved sex discrimination, lost her house, could not keep up the mortgage payments because there was no damages remedy. After having come to court, proven her case, she was left without a remedy.

I can go on and on—Pat Phillips, in Illinois, who came forward and testified before this committee in the context of the Civil Rights Act, suffering egregious sexual harassment. These victims deserve the full remedy under the law that the Civil Rights Act, without any caps, without any second-class treatment, would provide.

We also urge that enforcement of the Office of Federal Contract Compliance executive order program must be beefed up; that there must be enforcement of its provisions, also, to protect women.

Finally, we want to say that there are specific suggestions we would have with respect to a commission on the glass ceiling. We think if these laws are in place, the glass ceiling commission and initiative could be a helpful thing. In our written testimony, we provided specific ways in which we think that the commission could be improved to work better.

Because we have such an emphasis on the importance of enforcement of the laws, we think it is something the commission should look at as well as part of its mandate. We think its membership could be improved and strengthened with certain amendments to the proposal.

We think that awards should be looked at not only with respect to businesses, but also with respect to training and other kinds of efforts in the private sector, nonprofit groups, and the like, whose efforts could also be highlighted and encouraged.

We want to commend you, Senator Simon, for holding these hearings. We have seen, certainly, how important public education

can be in emphasizing the importance of discrimination in the workplace, the terrible costs that are incurred by this country and by our individual citizens because of the discrimination. A strong commission, duly constituted, working in tandem with strong laws and strong enforcement, can make a big difference. Those three elements, we want to work with you to ensure ultimately exist in this country.

Thank you.

[The prepared statement of Ms. Greenberger follows:]

PREPARED STATEMENT OF MS. GREENBERGER

Good morning, Mr. Chairman and members of the subcommittee. We are here today on behalf of the National Women's Law Center and Women Employed. The National Women's Law Center is an organization committed to developing public and private sector policies and practices that reflect the needs and protect the rights of women. Women Employed is a Chicago-based, national membership organization that represents the interests of working women and that has monitored, for the past 18 years, the activities of dual opportunity enforcement agencies. The National Women's Law Center represented Women Employed in a suit against Harris Bank, which resulted in the largest back pay settlement ever secured under the Executive Order, fourteen million dollars. The Harris Bank case involved a situation typifying the glass ceiling problem in which women and minorities were prevented from advancing within the Bank.

We want to commend you for holding these hearings on the important issue of the glass ceiling. The term "glass ceiling" describes, of course, the underrepresentation of women and minorities in the upper echelons of our institutions, be they large corporations or small, or the government itself. The glass ceiling prevents women and minorities from realizing their potential as workers, from enjoying the full benefits of their effort and training, from providing a better standard of living for their families, and from fully contributing their talents and skills to the productivity of our country. We are pleased with the attention that is being devoted to this problem and welcome the opportunity to share our view of the steps necessary to break the glass ceiling.

The Department of Labor's efforts to document and publicize the problems surrounding the glass ceiling are instructive of the strengths and weaknesses of Senator Dole's bill. Senator Dole's legislative proposal creates a commission whose purpose is to conduct further research and analysis and to encourage voluntary efforts through awards to companies. Although the objectives of the bill are laudable, the proposed scheme, like the Department of Labor's Glass Ceiling Initiative which emphasizes the same components, can be effective only within the context of a broader effort to strengthen and enforce laws prohibiting discrimination in the workplace.

The first step toward developing strategies to break the glass ceiling is to realize that the barriers which create the glass ceiling are discriminatory. When women and minorities are denied opportunities for advancement, left out of the network, channeled into dead-end jobs, they are being discriminated against. Thus, the elimination of the practices which lead to the glass ceiling is an essential part of the administration's responsibility for enforcing civil rights laws. It is not adequate for the administration to depend on the voluntary efforts of corporations and the educational efforts and exhortations of the Department of Labor.

Because the glass ceiling results in large measure from discrimination, the first priority of any effective effort to address the problem must be to assure strong laws that prohibit discrimination and to secure their vigorous enforcement. Currently, neither the law nor its enforcement is adequate. Passage of the Civil Rights Act of 1991 represents an essential step toward destroying the glass ceiling. The Act would overrule key 1989 Supreme Court decisions that eviscerated Title VII's effectiveness against employment practices having a disparate impact on protected groups. Many such facially neutral employment practices, such as narrow recruitment mechanisms highlighted by the Department of Labor, are precisely the type of practices that tend to divert women and minorities from management level jobs, creating the glass ceiling. In addition, intentional discrimination keeps the glass ceiling in place as well. Sexual harassment, the simple refusal to promote a woman past a certain point, the purposeful denial of access to clients, institutional support, or career development, all operate to prevent the advancement of women within their organizations. By providing compensatory and punitive damages for victims of sex discrimi-

nation, the Civil Rights Act would create a more effective economic incentive for companies to eliminate discriminatory practices, including these intentional violations which have so severely damaged women.

But strengthening existing laws against discrimination will have little practical effect if those laws are not enforced. Unfortunately, our country is suffering from extremely poor Executive branch enforcement of civil rights laws. The Office of Federal Contract Compliance Programs (OFCCP) is responsible implementing Executive Order 11246, which prohibits discrimination by federal contractors and requires contractors to take affirmative steps to ensure Dual opportunity. Although under the Executive Order program, the Department of Labor has the authority to sue contractors for debarment and other remedies, the Glass Ceiling Initiative focuses on voluntary measures. Consequently, in the DOL report, not one company was cited for discrimination, despite the clear signals in the report itself that such discrimination occurred. The department's approach, which in effect leaves the fox in charge of the chicken coop, is inadequate. If a compliance review uncovers barriers to the advancement of certain groups, then violations exist and victims deserve remedies. The Department of Labor must use its power under Executive Order 11246 to penalize federal contractors that are guilty of discrimination at all levels of employment.

The Equal Employment Opportunities Commission, the agency responsible for enforcing Title VII, the dual Pay Act, the American with Disabilities Act, and the Age Discrimination in Employment Act, has also failed to protect workers effectively from illegal discrimination or to secure remedies for victims of discrimination. Finally, the Department of Justice, which is authorized to enforce Title VII against state and local government and to bring suit against federal contractors, has utterly failed under this administration to develop a litigation strategy for enforcing civil rights laws. Instead of cutting back on enforcement efforts, OFCCP, EEOC and the Department of Justice must meet their responsibilities for enforcing the laws that make the glass ceiling illegal. To this end, the proposed legislation should include an enforcement component. At a minimum, the commission's objectives should include developing more effective enforcement strategies and determining the level of resources necessary to achieve this goal.

In addition to strengthening and enforcing existing civil rights laws, other important legislative measures that expand the employment opportunities of women have been introduced and deserve the support of those committed to dismantling the glass ceiling. These measures include the Family and Medical Leave Act, which represents progress toward the goal of accommodating workers who have significant family responsibilities, and the Nontraditional Employment for Women Act, which combats sex segregation in the work force by providing funds for the expansion of programs designed to bring women into nontraditional fields.

In addition to our general concern about the bill's emphasis on analysis and education rather than enforcement, we would like to raise several points with respect to the specific provisions of the bill. First, we object to the particular anti-quota language contained in the findings. Unless placed in context, this language could undermine the essential role affirmative action plays in combating the glass ceiling. If the anti-quota language is retained, we would suggest including in the preceding finding language specifically encouraging affirmative action policies as distinguished from quotas. This is a very important point. The glass ceiling problem is about the underrepresentation of certain groups within the ranks of management. Unless companies are encouraged to implement affirmative policies which address the problem in a way that is specific to these groups, the glass ceiling will persist. Of course, this does not mean imposing quotas; however, unless the bill distinguishes such efforts from quotas, the strong anti-quota language could discourage affirmative strategies geared toward women and minorities as underrepresented groups.

Second, the proposed composition of the commission should be altered to ensure that it is a balanced group, representing the interests of all the parties affected by the glass ceiling. In order to achieve such a balance, the President and the Democratic leaders in Congress should appoint four individuals each, rather than five and three respectively. Alternatively, the President and Democratic leaders could appoint three individuals each and jointly choose an additional two former Secretaries of Labor. We also suggest that the Chair be elected from among the appointed members of the Commission.

The bill requires the appointing authority to consider individuals who are members of organizations representing the interests of women and minorities, hold management positions in corporations or businesses, and/or possess academic expertise regarding employment issues. We suggest that these categories be made more specific. The language concerning "other related interest groups" should be explicitly re-

stricted to groups who represent those facing glass ceiling barriers. The individuals holding management or decisionmaking position in corporations or business entities should be selected from companies that have shown a commitment to eradicating the glass ceiling in their own organizations. Finally, there should be some explicit balance among the three categories so that no group will be over or underrepresented.

With respect the proposed award to be given for "diversity and excellence in American executive management," we note that the Department of Labor has already established two such awards, the Secretary's Opportunity 2000 Award and the Exemplary Voluntary Efforts (EVE) Award, to honor publicly companies working to remove barriers to career advancement in their workforce. This award seems somewhat redundant. In any event, the award should not be restricted to businesses, but should include training and liaison groups that have made efforts to educate companies about the problems of the glass ceiling or have designed programs for addressing the problem with specific organizations.

To combat the glass ceiling problem effectively, we must do more than document it. Research, analysis, and consciousness-raising for corporations, while laudable, are not alone going to solve the glass ceiling problem. Employees, businesses, academicians, and even politicians have known for a long time that women and minorities are dramatically underrepresented within the ranks of management and yet the problem persists. In addition to raising awareness and collecting statistics, we must strengthen and enforce existing laws that prohibit the kind practices that collectively have led to the glass ceiling phenomenon.

Senator SIMON. Thank you.

Eleanor Smeal, you get two introductions here today. We are happy to have you here.

Ms. SMEAL. Thank you, Senator. I am sorry about our snafu on timing. I am glad I could join this panel and my colleagues.

Senator SIMON. No problem.

Ms. SMEAL. I am Eleanor Cutrie Smeal, president of the Feminist Majority Foundation, and we specialize in the development of creative new strategies to empower women. Your committee asked us to submit into the record two of our studies on empowering women in business. In fact, those two charts were a part of our studies, and we are glad they are blown up. So we are submitting this study.

Senator SIMON. Yes. We would like to enter that study into the record.

[The prepared study referred to entitled "Empowering Women in Business" by the Feminist Majority Foundation, is retained in the files of the committee.]

Senator SIMON. And I might mention these are the top 50 companies of the Fortune 500, as well as a general listing of the Fortune 500 industries. In terms of what it shows, because I don't know that those cameras can pick it up or that you who are here can see it, for industry directors, women represent only 4.5 percent of the total. Of the top 50 companies, women represent only 6.7 percent. In terms of officers, for the industry only 2.6 percent are women, and for the companies 2.2 percent are women. Those statistics are pretty grim statistics.

Ms. SMEAL. Right, yes, and I am really glad that you showed it by both the industry and by the company because I think we should, you know, put a face on this. They are the major corporations of our country.

This study which was focused on in our study was done by Dr. Mary Ann Von Glinow of the University of Southern California, and we feel that it was extremely—we have been studying the glass ceiling in the business sector for more than 2 years, and we

felt it was really one of the best studies because it put it right where it is at by industry and by name of company, and documents it so clearly.

These are the Fortune 500 industrials and the Fortune 500 companies. She looked at the corporate Fortune 500 service companies and industries because, basically, one of the arguments used is that women are not as much into these types of companies, like oil, for example, or automobiles, although I could refute all that. But we looked at the service sector, where the majority of employees are females, and it is just as bad. The numbers are a little better, but not appreciably better. In fact, it tells the same story.

So to summarize it or to project this into the future, if we proceed at the current rate of growth for women at the top, either in the boards or in the corporate officer sectors—and the corporate officer sector that we are talking about is vice president or higher—it will take 475 years for women to get to equality, or not until the year 2466. Obviously, that is longer than our republic has existed, and it, frankly, is no strategy at all for us to continue to say that it is going to happen with time and evolution and a change that is gradual.

Right now, for all intents and purposes, women are locked out of the corporate top. Now, it is not just in business that we are locked out. We have done a companion study in another profession, medicine, to see, you know, if we have entered the educational realm.

Everybody has been saying, well, look; women now are 40 percent of the medical students, approximately, and it has been that way now for over a decade. Once we get the necessary prerequisites, although I would say we already have them in business, too, because we have got the MBA's and everything—but, anyway, in medicine everybody has been touting that women are doing so much better.

We looked at that, and again we are locked out. These studies are showing that essentially we are not in the tenured faculty positions—a very small percentage of them. We are 36 percent of the students, but, in essence, there is no match between that and progress in either academia or in the decisionmaking centers of medicine.

For example, the American College of Obstetricians and Gynecologists—I mean, surely here we should have some special expertise—even here, we are an infinitesimal part of the board, and over time there is nothing to measure. In fact, it is so bad in these areas that we would say that we couldn't even construct statistics over time because there is no real progress.

In this study, we have compared medical schools and we compared progress in different specialties, be it surgery or pediatrics, or whatever. In fact, when Marcia Greenberger just said about examples, I didn't intend to have this in my testimony—by the way, I do submit the "Empowering Women in Medicine" study, too, because I think it gives you two different perspectives.

Senator SIMON. It will be entered in the record.

[The prepared study referred to entitled "Empowering Women in Medicine" by the Feminist Majority Foundation, co-sponsored by the American Medical Women's Association, is retained in the files of the committee.]

Ms. SMEAL. And we are doing one, by the way, in law that is almost finished. We are going to be doing it in media, but the picture is essentially the same.

I just noticed walking in that there are two women right now who are taking cases in your audience in medicine—Dr. Jensville, who has taken a case against NIH, and Dr. Heidi Weisman, who has taken a case against a major university. Both of them have quite some stories to tell about trying to take cases, about the hundreds of thousands of dollars of legal fees a person is expected to bear themselves, the outrageous behavior in one of these cases. Dr. Weisman convicted in court her boss of plagiarism, and yet he is still there and got a promotion. She is out of a job.

The remedies are simply not working. The causes, incidentally, of the glass ceiling—and the studies are replete; we know what is happening. One of the things, I think, that we have got to stop is just study, study, study something to death. We have got to start doing something.

We know that job segregation is rampant. We know that there is an old-boy network. There are all kinds of data that show that, and we can tell you not only how pervasive it is, but, in fact, there are studies to show that family responsibilities quite often cited for why women aren't at the top are not the reason. It is sex discrimination. Women managers—only 3 percent think family responsibilities are a major problem. The studies document that sexual harassment is widespread, and, by the way, not just at the bottom, but at the top, and is used as a tool to keep people out.

Now, I want to go to what we should do. We are submitting the studies into the record, but I think that we should look at some bold, new strategies because this is not going to happen by incremental—it is not going to happen by volunteerism. There is no way. There is no record abroad, in Europe, in any country, or in the United States, where voluntary methods have worked for ending sex discrimination.

Basically, we think that one of the major areas that must be looked at is the public sector itself. The Federal Government is the single largest employer, and they must—indeed, the government must at the Federal, State and local level set a better example, and can do things immediately if there was a will.

We are introducing, the Feminist Majority Foundation and Fund, gender-balanced laws and rules all over this country. Sixteen States have reviewed them. In fact, your home State, Senator Simon, has passed one which, in essence, requires or urges—we like the requirement mandate better, but sometimes they are watered down—which requires a governor to appoint to boards and commissions and everywhere they can make appointments equal numbers of men and women to gender-balance appointments.

These resolutions or laws have passed in five States. Now, we see no reason why the Senate and the House should not consider a gender-balance law that would require the President to appoint equal numbers of women and men to all Federal Government boards, commissions, committees, the judiciary, and to the some 3,000-plus Presidential appointment plum positions. In other words, if we are going to start to integrate the top, where better than the Government itself?

And the old saw about quotas has got to end because, basically, if this country cannot produce for the 3,000-plus plum jobs 1,500 qualified women, then what in the world are we about? There are over 200 million people, as you obviously know, and 100 million of them—in fact, we obviously are graduating equal numbers of women in all kinds of professions, etc. Certainly, to goodness, the old saw that you can't find qualified people should be laid to rest and treated as nothing more than an embarrassment and an insult to American women.

We also urge that this committee lead the way to have the House and the Senate clean up its own act. As you well know, the House and Senate have chosen to exempt themselves from sex discrimination and civil rights law. It is disgraceful, and they could immediately begin to gender-balance all appointments here in the Congress.

As a matter of fact, this old-boys club could be—even though you can't balance, maybe, immediately the Senate, although I wish we could expand it to 200 and give us 100 appointments immediately, 100 Senate positions, we certainly could avoid what we did last week in the Anita Hill hearings where there were 14 white men asking questions, or thereabouts, by having the counsel—I know some of the counsel for the committee were women—asking some of the questions; making sure that the counsel are balanced or the staff is balanced by race and sex, and giving them a much more visible profile to set an example. In other words, there are many other ways to indeed break the glass ceiling by setting an example right here in the Congress itself.

Third, I think that we can pass legislation, if there was a will, to gender-balance the senior executive positions and the corporate boards for major Federal contractors. In other words, right here where the major Federal contractors—the GE's, the General Motors, etc., which have such dismal figures, we could require them to improve those figures because, certainly, they are the benefactor of a lot of Federal largess.

Those would be steps that would be bold, and it is time for bold action. Women have been promised too much and delivered too little; repeatedly, repeatedly, repeatedly, lip service, but not real action. I, for one, can't stand looking at these statistics because they not only represent the broken dreams of millions of women, but they also represent the loss of resources and human talent of half the population. It is not going to end unless we make bold steps that are mandatory and that are visionary, and that indeed the political leadership sets an example itself.

Thank you.

[The prepared statement of Ms. Smeal follows:]

PREPARED STATEMENT OF MS. SMEAL

I am Eleanor Cutrie Smeal, president of the Feminist Majority Foundation, which specializes in the development of creative, new strategies to empower women through direct action. The Foundation produces educational materials documenting the exclusion of women from law, business, medicine and the media, and publishes and disseminates reports that explode the myths that justify a lack of progress for women, expose sources of opposition to women's equality, inspire women to seek leadership positions, and promote gender balance strategies.

As part of my testimony today, I would like to submit copies of two reports recently published by the Foundation *Empowering Women in Business* and *Empowering Women in Medicine*. Although both reports examine in-depth the consequences and causes of the under-representation of women in corporate and medical leadership, today I will only touch on some of our major findings.

GENDER GAP IN BUSINESS LEADERSHIP

The Feminist Majority Foundation's shocking new report, *Empowering Women in Business*, reveals the severe gender gap in business leadership. Although women comprise nearly half of all paid workers in the labor force today, the senior levels of management remain almost exclusively male domains.

A 1990 study of the top Fortune 500 companies by Mary Ann Von Glinow of the University of Southern California, shows that women are only 2.6 percent of corporate officers (the vice presidential level up). Of the Fortune Service 500, only 4.3 percent of corporate officers are women—even though women are 61 percent of all service workers.

More shocking is that these numbers have shown very little improvement in the 25 years that these statistics have been tracked. This means that at the current rate of increase—if nothing is done to breakdown the barriers stopping women from going to the top of the corporate sector—it will be 475 years—or until the year 2466—before women reach equality with men in the executive suite.

The story is not much better on corporate boards: Only 4.5 percent of the Fortune 500 directorships are held by women. The rate of increase is so slow that parity with men on corporate boards will not be achieved until the year 2116—or for 125 years.

More than 25 years after Title VII was passed prohibiting sex discrimination in employment, women are still virtually absent in the board rooms and in the ranks of top management in the corporate sector. Progress is inconsistent and far too slow. what causes this "glass ceiling" in corporate management ranks? Here is what women executives think:

Job Segregation Runs Rampant: Women executives are highly segregated by sex, concentrated into certain types of jobs—mostly staff and support positions—that offer little opportunity for getting to the top of the corporate ladder. Women are locked out of jobs in the "business mainstream," the route taken by CEO's and presidents.

Old-Boy Network Still Stong: Women executives say the corporate executive suites are "the ultimate boys' club." Women executives report they are excluded from social activities that frequently serve as informal business meetings. Even on a more formal level, women report there are "certain kinds of meetings" they don't get invited to because they are not seen as policy-makers.

Sex Discrimination is Pervasive: In a 1986 Wall Street Journal/Gallup survey, women managers were asked what they consider to be the most serious obstacle in their business careers. Only 3 percent cited "family responsibilities," but half named reasons related to their gender, including: "male chauvinism, attitudes toward a female boss, slow advancement for women, and the simple fact of being a woman."

More than 80 percent of the executive women respondents in the Gallup survey said they believe there are disadvantages to being a woman in the business world. Sixty-one percent reported having been mistaken for a secretary at a business meeting and 70 percent believed they are paid less than men of equal ability.I11In a survey by the executive search firm Korn/Ferry International, executive women most frequently named simply "being a woman" (40 percent) as the greatest obstacle they had to overcome to achieve success.

Sexual Harassment is Widespread: Sexual harassment remains a serious problem for women in the managerial ranks. In a 1988 survey by *Working Woman* magazine, 90 percent of large corporations reported sexual harassment complaints by women employees. The survey found that "more than a third of the companies had been sued by victims, a quarter had been sued repeatedly." But, according to the same study, only 20 percent of offenders lost their jobs; 4 in 5 are merely reprimanded.

Sexual harassment is perpetrated to "put a woman in her place," so a corporate environment that tolerates sexual harassment intimidates and demoralizes women executives. Many women executives hesitate to speak out, fearing it will jeopardize their careers. Many will choose to leave even executive level jobs rather than continue to tolerate the harassment.

Enforcement of Anti-Discrimination Laws is Lax: The Reagan and Bush administrations have gutted the Federal Government's commitment to affirmative action. As a result, equality has dropped off the corporate agenda. A 1983 survey of 800 business leaders by Sirota and Alpen Associates found that out of 25 human re-

source priorities, affirmative action for women and minorities ranked 23rd.I11Over the last several years, the Supreme Court has issued a series of seven decisions on equal employment opportunity laws that make it harder for women and minorities to successfully wage discrimination lawsuits. Collectively, these decisions represent a major shift in employment laws put in place during the past 25 years, making it harder for women to prove discrimination and narrowing the coverage of the civil rights laws (*Civil Rights Monitor*).

Finally, men in corporate management tend not to perceive discrimination as a real problem, thereby making it virtually impossible to implement effective remedies. According to an exhaustive study by researcher John P. Fernandez, white men consistently ranked problems encountered by women executives as insignificant compared to how women ranked them.

THE DEPARTMENT OF LABOR'S GLASS CEILING INITIATIVE

Even the Department of Labor has had to recognize the existence of a glass ceiling for women and minorities in the corporate sector. In its recent report on the "Glass Ceiling Initiative," the department identified "attitudinal and organizational barriers" that indicate that "the progress of minorities and women in corporate America is affected by more than qualifications and career choices."

But the report fails to offer any meaningful solutions or new department initiatives to eliminate the admittedly "discriminatory and artificial barriers. In fact, the department remains content to "promote good corporate conduct through an emphasis on corrective and cooperative problem-solving"—in short, to encourage industry "to identify and voluntarily resolve any impediments to equal opportunity which may exist."

Although the administration's own study identified the existence of a "glass ceiling" for women and minorities in private industry, the President remains not only reluctant, but opposed, to any formal remedy. Clearly, much, much more must be done if equality for women is to become a reality in the corporate sector.

STRATEGIES FOR CHANGE

I am pleased to have this opportunity today to testify before this committee, as I believe there are several very specific actions which can be taken by the U.S. Congress to address the very real barriers to progress and full participation for women in the private sector.

The public sector—the Federal Government—is the largest single employer in the Nation. By setting the example in its own hiring and promotion policies, it can have significant impact on private sector employment practices. The public sector's record in hiring and promoting women into its senior ranks and appointing women to "plum" positions holds significant potential for increasing opportunities for executive women in the private sector.

To break through the glass ceiling, the Feminist Majority Foundation recommends this committee and the Senate take the following actions:

1. We are today urging that this committee introduce a Gender Balance bill to require the President to appoint equal numbers of women and men to all Federal Government boards, commissions, committees, the judiciary, and to the some 3,000-plus "plum" presidential-appointed positions.

Gender balance laws and rules are a bold new strategy for women's equality. A gender balance law requires the governor of a state, a mayor, the appointing authorities on school boards or county boards of commissioners, or in the case of the Federal Government, the President, to appoint equal numbers of women and men to all public boards, commissions, committees, and councils.

Gender balance measures can be enacted at the local, county, state and Federal levels of government to correct the severe imbalance in public decision-making. Already, five states—Iowa, North Dakota, Montana, Rhode Island and Hawaii—and the City and County of Los Angeles have passed gender balance laws or resolutions, and at least fifteen additional states have introduced or have plans to introduce gender balance measures.

Not only would a Federal gender balance law dramatically increase the numbers of women at the policy-making levels of the Federal Government, but it will set a powerful example and serve as a model for the private business sector.

2. We also urge this committee to develop and pass legislation requiring gender balance at senior executive ranks and on the corporate boards of directors for major federal contractors.

Although immediate passage of the Civil Rights Act is critical to restoring key employment rights for women and minorities, and stronger enforcement of Execu-

tive Order 11246 and other affirmative action policies is key to reducing discrimination against women and minorities in the workplace, the Senate must look higher on the corporate ladder—to the senior management levels and boards of directors—in developing new initiatives aimed at shattering the glass ceiling.

Only when women comprise equal numbers at the highest levels of decision-making in business will the opportunities and progress for women in the corporate sector improve.

3. Finally, to have any credibility in the corporate sector, the House and Senate must break their image as "old boys clubs" and set a better example by gender balancing their appointments to various positions and committees where there are not enough women Senators or House members to gender balance committee assignments women staff, such as committee counsel, could be employed to provide some step toward gender balance, for example, in questioning witnesses.

But first, and foremost, the U.S. Senate and House of Representatives must stop exempting itself from coverage of existing discrimination laws. The appearance of hypocrisy and lack of seriousness of Congress in ending discrimination can only stop if the Senate and the House clean up their own acts first.

The Feminist Majority Foundation stands ready to assist this committee and the Senate in any way possible in developing these new initiatives to combat and breakthrough the glass ceiling in the corporate sector. Thank you for this opportunity.

Senator SIMON. Thank you, all three of you.

There is no question that we need bold action, and you have mentioned the loss of talent. I think, Ms. Greenberger, you mentioned the problem of productivity. We have been having some discussions about the trade deficit. Ultimately, the trade deficit is something that has to be paid, and you either pay it with a reduced quality of life or you pay it with increased productivity.

One of the ways that we can have increased productivity is to use the talents of people that we have not fully utilized, and that really does tie into this whole area here, and I appreciate your testimony.

The problem, as I sense it, is not only the bills that get vetoed, like the Family and Medical Leave Act. It is that even the bills we pass in the Senate are not complete. For example, the civil rights bill last year that I was pleased to cosponsor, purposefully did not include the *Croson* decision because we knew we were going to lose some votes if we did include it. So even there, we were trying to put some patches in the dike, but we knew that we weren't covering it all.

Is it accurate to say that while we are becoming a little more sensitive, though that may be in large part because of laws that have been passed, that on the legal front in regard to protecting rights of women, we are not making progress; we are slipping?

Let me just ask all three of you for a comment. Is that an exaggeration to say that legally at this point in this Nation, we are slipping in protecting the rights of women, as well as the rights of minorities?

Ms. SMEAL. Well, we are not only slipping, we are going backwards.

Senator SIMON. Well, that is what I mean, yes.

Ms. SMEAL. We are essentially going backwards because of not only U.S. Supreme Court decisions; I think we have got several problems. One is the laws weren't tough enough to begin with. Let us not pretend there was a paradise before the Reagan-Bush Court was appointed and went to work.

We had very weak legislation. Women didn't have damages in the first place. The EEOC has never been vigorous enough. In fact,

when Title VII was passed, it was termed a joke. I just reviewed the minutes of a history of NOW in the first years, and the EEOC was resistant in the early years to enforce the sex discrimination components of it. Then they got a little more muscle and they did more.

But let us face it; even such blatant things as sex-segregated want ads—now, could you be more discriminatory than that, male-female want ads? It was not the EEOC that took the case to the U.S. Supreme Court. It was the National Organization for Women because, in fact, we did not have the cooperation.

So it has been a lack-luster performance at various times. It got better as time went on, but now they have taken a terrible turn for the worse and, as you know, in the 1980's they have been dismantling the little that was there. So, in the first place, the laws for sex discrimination were never tough enough, never serious enough, and now they are being dismantled by the legal system, the little that was there.

So, that is why we need a tremendous, new rethinking, and I think the burden of proof has been too much on the litigant. The average case takes almost 8 years. I have watched personal, close associates destroyed by huge legal fees, emotional stress. But worse than that, and equally important, the EEOC is supposed to protect from retaliation and harassment, and they don't do that. So, essentially, it is brave people who take these cases, and it is a miracle they take them.

Senator SIMON. And on top of all these barriers, all they get basically is back pay.

Ms. SMEAL. That is right; that is what I am saying. All they get is back pay, and believe me, they don't really get back pay. They get a small percentage. I could cite you cases that I have personally worked with. My home area is Pittsburgh, where we have taken major class actions which were only 2, 3, or 4 percent of what the women really had coming to them.

So back pay is a negotiated settlement; that is all it is. And now, with the new Reagan-Bush crowd not allowing class actions, we are going to free women case-by-case. Who is going to sustain the costs of an 8-year lawsuit? The lawyers aren't interested because it is only one person. You can only do it on a class, and besides you can only prove it by statistics, frequently.

By the way, Senator, I forgot to formally put my own testimony in the record.

Senator SIMON. We will put that in the record, too.

Yes, Ms. Greenberger.

Ms. GREENBERGER. Senator Simon, I think we are in a situation where we all know the law alone won't do it; that we can't expect, no matter what the State of the law is, that each individual woman will go into court herself. What we really want to do is change attitudes and ultimately achieve voluntary compliance.

Senator SIMON. Right.

Ms. GREENBERGER. But I think your question is very much on target because without the laws, it is very hard to get that voluntary effort. We unfortunately, I think, have a very strong perception across the country that we are slipping back. We have seen the U.S. Supreme Court cutting back on the Federal protections we

have had. As we have discussed, those laws were never strong enough to begin with. Certainly, it has been unfair that women haven't been able to have a damages remedy when they have proven discrimination in court.

We also haven't had the Government and its resources on our side for too long. We saw how important the Department of Labor could be in opening up coal mine jobs for women across the board. Before the early 1970's, there were virtually no women in coal mines, and it was the Office of Federal Contract Compliance Programs and it was the Department of Labor on behalf of hundreds of thousands of women that opened those job opportunities; the same with the banking industry in the Harris Bank case that I mentioned; the same with looking at the insurance industry. It never went far enough.

But now, on top of the laws getting narrowed by U.S. Supreme Court decisions in a sense that judges aren't on women's side and the side of victims of racial discrimination and discrimination on the basis of disability and national origin, we have the Government not bringing its resources to bear on behalf of the victims of discrimination.

So, because we know the enormous costs as a country for that discrimination and on the individual victims themselves, we have to look at how do we achieve that voluntary compliance, how do we change the attitudes across the country. We have got to have the laws back. We have to be very vigilant to try to get the courts as much as we can enforcing laws.

What we have seen is, with strong laws, we have tools for achieving voluntary compliance. There are some corporations that are more enlightened than others that try, because they see it is in their own self-interests and in the interests of the country, to move women, minorities and the disabled forward.

But those are all too few. As Ellie Smeal pointed out, their efforts haven't really dramatically change the situation for women and minorities in this country. And so, unfortunately, I think we have to start with the laws and then move on to the kind of voluntary and education efforts that something like a commission can represent to work in tandem once we have those laws in place.

Senator SIMON. I would just like to underscore what you were saying, that the laws can help change attitudes.

Ms. GREENBERGER. Exactly.

Senator SIMON. And if I can use an illustration that you used, I happen to be from coal mining territory in deep southern Illinois. If I had taken a poll among coal miners who were all men at that time—saying something like should we let women in the coal mines, it would have been 95 percent—and that is a conservative estimate, probably—no. Now, there are women in the coal mines and it is accepted by everyone. The law changed the situation and the law helped to change the attitudes.

Ms. LICHTMAN. Senator, you know, you are faced right today with a really fabulous opportunity for leadership. You and your colleagues, 98 men and 2 women, are debating, as we sit here at this moment, whether or not women are going to have second-class justice with respect to remedies for intentional discrimination that they suffer, which includes all the kinds of specific discrimination

that we have all talked about today in excruciating detail, and some of which we have heard in horrific detail over the past several weeks, to provide the kind of leadership that will remedy that kind of discrimination by providing damages and full procedural rights to victims of sex discrimination.

And I hope you urge upon your colleagues that kind of leadership because unless the 98 men and 2 women in this Senate begin today—you don't have to wait until tomorrow—to talk about damages and the need for women who work for the kind of economic security that they need to provide for themselves and their families, I fear that it doesn't really help much to say the law is slipping back in terms of the courts or attitude are slipping.

I want to look right at home in this building onto that Capitol dome at this hour. We don't even have to wait until 5 o'clock to see where the leadership is coming from.

Senator SIMON. You may have to wait until 5 o'clock, but——

Ms. LICHTMAN. But only 5 o'clock. [Laughter.]

Senator SIMON. All right.

Ms. LICHTMAN. You know, I feel a little bit like exhorting your colleagues. I know in some sense I am preaching to the converted, but I think they probably need to hear from you as well about how strongly you feel about fair remedies for women who are victims of sex discrimination, because the protestations last week notwithstanding about how they all, "get it." I fear the conversations today, Democrats and Republicans alike, belie their statements of last week. And I would like to see some real strong leadership, bipartisan, if you will, on the issue of damages.

Senator SIMON. It should not be a partisan matter.

Ms. SMEAL. Not only that; we could have a filibuster if we need it. I mean, I just feel that what happened with everybody saying how important sexual harassment was—and there was a national teach-in—there was a lot of misinformation. The question constantly asked, why didn't she come forward, never supplied that she couldn't get damages, never supplied compensatory nor punitive. The State of the law was not described. It is an extremely weak law.

And the posturing that somehow to put $100,000 in is good, when it is a cap—and given the nature of these lawsuits and the costs of these lawsuits and the pain of these lawsuits, and the fact that 5,000-plus sexual harassment charges at the EEOC in this last year and only 50 of them were taken to court by the EEOC, or less than 1 percent, who would take the others, the women themselves? What are we talking about court charges—you know what it costs to pay a good lawyer in this town, and these are very expensive cases because they are very long.

Senator SIMON. Let me ask each of you to do this, and we will enter this in the record, and I will personally be reviewing it and I will send it to my colleagues on the subcommittee. Ms. Smeal mentioned some things that need to be done beyond the law that is now pending, some very practical things in terms of boards of directors.

As we were sitting here, I was thinking about judicial appointments. I started a practice some years ago of holding any appointee who belonged to a group that discriminated, and that is now the policy of the Judiciary Committee on that issue. There is no reason

we couldn't have that policy on all appointments by all committees in the Federal Government.

I would be interested in your—and they may be small, incremental steps that we can be taking, but I would be interested in each of you submitting within the next 2 or 3 days a list of such incremental steps that you think can be taken either through a change in the law, through a change in Senate rules, or any other way.

Ms. SMEAL. One that comes to mind right away that could be done by Senatorial courtesy—it was almost like how the pages were integrated—is that you could immediately integrate all judicial appointments by the Senators just simply rotating, male, female. I mean, those are courtesy appointments.

I mean, right now you know we are at about 7 percent of the Federal Judiciary, no progress; in fact, we are going backwards. But the Senators have a lot to say in that appointment—it is not just the President—especially from their home area, etc.

Senator SIMON. Yes, no question. Right now, it happens to be from a party different from my own, but there are a lot of things like that. And if you can come up with a series of things——

Ms. LICHTMAN. Sure; we would be happy to.

Senator SIMON. And I am not suggesting we are going to be able to get everything done, but if we try and push for 20, we may get 10 done and we are going to make progress in this country.

Ms. GREENBERGER. Senator Simon, I want to also add that we would be happy to try to do that, but then emphasize what has been said because we are facing one of the most important questions right now with respect to the Senate and where it stands on whether women will have the same remedies under the law as other victims of discrimination.

And I just wondered if I could take a minute to quote something that a judge said after hearing one of these cases where the woman came forward and did prove her case. This judge said, "There is little incentive for a plaintiff to bring a Title VII suit when the best she can hope for is an order to her supervisor and to her employer to treat her with the dignity she deserves and the costs of bringing her suit. One can expect that a potential claimant will pause long before enduring the humiliation of making public the indignity she has suffered in private when she is precluded from recovering damages for her perpetrator's behavior. It is, however, the responsibility of Congress, rather than this court, to recognize and repair this deficiency in the statute."

There is a lot at stake on this bill, and I don't——

Senator SIMON. If you can give me that quote, it may get used today or tomorrow.

Ms. GREENBERGER. Thank you, Senator Simon.

Senator SIMON. And we thank all of you.

The record will be kept open for any additional questions or statements from my colleagues.

[Additional statements and material submitted for the record follow:]

LETTER FROM DR. DEE A. SODER, THE ENDYMION COMPANY, INC., NEW YORK, NY

THE ENDYMION COMPANY, INC.
New York, NY, October 23, 1991.

Senator PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: I applaud your inquiry into the issues surrounding the "Glass Ceiling," the artificial barriers preventing women and minorities from reaching the top range of corporations. It's real and can be readily eradicated if people care enough to do so. Regrettably middle and senior level women cannot discuss the issue without adversely effecting their careers; indeed the majority of executive women have advanced by downplaying their role as women. Even those individuals who achieved success and left the corporate world to reap greater benefits and monetary rewards after the Thomas hearings would not now testify due to negative attitudes evidenced by the Senate. Modesty aside, my credentials are significant. I've spent over 20 years studying this issue as a psychologist, executive, professor, and scientist, I advise top executives and have over 35 of the highest ranking women in corporate America as clients. There is much that I could discuss about the reasons behind the ceiling, but I am not optimistic that Congress cares and accordingly this letter is brief.

As one of the three people highlighted in the Glass Ceiling report, I hope that I am wrong. Hopefully, *Fortune* Magazine's next article on this topic will be "Why Women Are Getting To The Top" and it will cite Congress as a prime cause.

Again, I commend your efforts and hope that at the very least the roof is raised a few feet. We can't afford to be wasteful and not use the talent of over half our workforce in today's competitive world.

Sincerely,

DEE A. SODER, PH.D.
President and Founder

LETTER FROM DR. JENSVOLD, INSTITUTE FOR RESEARCH ON WOMEN'S HEALTH, WASHINGTON, DC

INSTITUTE FOR RESEARCH ON WOMEN'S HEALTH,
Washington, DC, October 26, 1991.

Honorable PAUL SIMON,
United States Senate
Washington, DC.

DEAR SENATOR SIMON: Your hearing held on Wednesday, October 23, 1991 on the topic of the Glass Ceiling is both very important and very timely.

Let me introduce myself to you briefly. I wear three hats. I am the director of the Institute for Research on Women's Health, a non-profit organization in existence since 1984. The IRWH is committed to research, policy, and education regarding the health and mental health of women and minorities. Secondly, I am a psychiatrist in private practice in Washington, DC and Bethesda. Thirdly, I have a sexual discrimination and harassment law suit in process against the National Institute of Mental Health. I am not writing to you today about my case. Rather I am addressing you from the professional standpoint. My expertise about the consequences of workplace harassment is based upon the small but excellent literature on the topic, in combination with my experience over the past 4 years working with a number of courageous individuals who are dealing with harassment and discrimination, as well as my working with various members of Congress over the past year on this topic.

The term "the glass ceiling" is a deceptively benign term. It is a faceless term, but in fact represents millions of women's and minorities' individual tragedies of not achieving their full career potential.

The issues of the glass ceiling, discrimination, harassment, and whistleblowers are related. Workplace discrimination and harassment can be unintentional or intentional or both, and can be played out on an institutional level or between individuals. Currently, when individuals speak up about unfair and undeserved discrimination or harassment, say by filing an EEOC complaint, what they want is help and an improved workplace situation, but what they generally achieve, in contrast, is whistleblower status and they are then accorded the usual treatment of whistleblowers. My definition of a whistleblower is anyone who airs publicly the dirty laundry which institutions would rather pretend doesn't exist. Rather than being pro-

tected by their institutions, the individual who speaks up generally becomes isolated, by coworkers who withdraw out of fear of association with a troublemaker, their behavior becomes the subject of scrutiny by supervisors, and their route ahead is very difficult, more difficult often than if they hadn't spoken up. Once one is in a workplace harassment situation, there are no good options. To remain silent and to speak up are both bad options with high risks of bad outcomes. Anyone who has a choice not to speak up generally will prefer to remain silent as long as possible. Generally people speak up when they feel they have been pushed to the wall and have no choice but to speak up. Workplace harassment and discrimination contribute to more frequent job changes (decreasing seniority, etc.), decreased morale, decreased productivity, disillusionment and, as I said, the individual knowing that he or she is not achieving one's potential.

The problem is very large and very significant. To expect the situation to improve through the efforts of a few courageous individuals speaking up about the wrongness of the situation, and, in the process, paying huge personal, financial, professional, and emotional prices for doing so, is not realistic and not fair. We are dealing with a very big problem which, I am convinced, can change only through substantive legislative change.

Fortunately, even in just the couple of days after your October 23 hearing, it appears that substantive legislative change may actually happen. The Civil Rights Act appears to be becoming reality rather than just talk. In light of that, I wish to make an additional comment. Having fairer laws, which give women fairer recourse should harassment or discrimination occur, is the single most important factor in improving things. But,the very important adjunct to better laws is what I call institutional will. Even with stronger laws, there has to be an institutional will to resolve matters when harassment and discrimination occur, otherwise women and minorities will still be pushed into court to resolve the situation. Of course, institutional will cannot be entirely legislated, but it can be encouraged: strong laws encourage it; wise management encourages it. Strong, improved, fairer laws are the single most important factor, but in addition to strong laws, all of the suggestions for encouraging improved compliance on management's part—such as awards for companies which have improved or which demonstrate exemplary policies, a clearinghouse for information on the glass ceiling and on harassment policies, etc.—are still worthwhile. The usefulness of such programs is not negated by stronger laws.

I am very concerned about the role that psychiatry plays in workplace harassment. Part of the core dynamic of workplace harassment is that workplace harassment causes psychiatric symptoms. Then once those symptoms are present, the presence of such symptoms is used as evidence that the woman deserved the harassing behavior or that she caused it. Consequently, once one realizes that this is part of the core dynamic of harassment, one realizes that there are all sorts of ways that psychiatry can and does become involved in workplace harassment situations. Forced psychiatric examinations and psychotherapy are misused as a coercive tool by harassers. We think of this as being something that would happen in the U.S.S.R., but it can and does happen here in the U.S. today all too frequently. In contrast, psychiatrists, other mental health professionals, and other physicians are brought in legitimately, by the woman, to treat symptoms and concerns which have arisen as a result of harassment. In addition, psychiatrists serve an important role as expert witnesses. As a result of all of this, it is very important that psychiatry and the other health professions behave responsibly with respect to workplace harassment.

I believe that we are today with workplace harassment where we were with rape 15 years ago, with incest 10 years ago, and with domestic violence 5 years ago. The experience of workplace harassment is essentially unarticulated. There is little widespread understanding of the victim experience, not to mention the harasser's experience and institutional responses. Myths and misunderstandings about workplace harassment are rampant, and, unfortunately, were reinforced by the Thomas hearings. Courts are insensitive to the plight of the harassment victim (some court decisions have been very sensitive to the victim's experience, but the fact that victims even have to end up in court, with institutions typically supporting the person who has a complaint against them—the accused harasser or discriminator—is inherently biased against women, and is discriminatory and insensitive to women's needs). Institutions often use their sexual harassment policies not to help women who are victims, but rather as "CYA" ("cover your ass")—when a woman complains of harassment, the institution uses the fact that they have a harassment policy to argue either that it (the harassment) couldn't have happened or that it isn't their responsibility, because they tried to prevent it. My impression is that businesses are becoming somewhat more enlightened. Businesses at least can understand a bottom

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line. Harassment isn't good for anyone. It harms the victim and, ultimately, the harasser, as well. It decreases morale, and decreases productivity. My impression is that the military, federal institutions, and academies are behind where business is at this point. Many changes in attitudes need to occur.

I am enclosing a copy of a brochure written by our Institute about workplace abuse. It is a practical guide which I hope you will find helpful in understanding the experience of and consequences of workplace abuse.

If I or the IRWH can be of any help to you, please to not hesitate to contact me. Jean Hamilton, M.D., firs director of the IRWH and lead author on the brochure would also be happy to help, I am sure.

Thank you for allowing me to submit this testimony. On behalf of the Institute, I want to thank you and your committee very much for your concern about the glass ceiling and the needs of working women. Matters will not change significantly without Congressional attention and legislative action, so your work on this topic is very, very important.

Sincerely,

MARGARET JENSVOLD, M.D.,
Director

Enclosure: Brochure: *Sexual Harassment and Employment Discrimination Against women: A Consumer Handbook for Women Who are Harmed, and for Those Who Care.* [Due to the high cost of printing, this document is retained in the files of the committee.]

LETTER FROM THE FEDERATION OF ORGANIZATIONS FOR PROFESSIONAL WOMEN, WASHINGTON, DC

FEDERATION OF ORGANIZATIONS FOR PROFESSIONAL WOMEN,
Washington, DC, October 29, 1991.

SENATOR SIMON AND COMMITTEE MEMBERS: The Federation of Organizations for Professional Women (FOPW) is deeply concerned with all barriers to the careers of professional women, and in particular with those barriers that produce inequality of opportunity in the workplace. We believe that professional skills and demonstrated performance should have everything to do with upward mobility on the career ladder. Gender and race should have nothing to do with career success or lack of it.

This year, under the leadership of the Labor Department, the general public has been reintroduced to the "Glass Ceiling." I say "Reintroduced" because the concept is not new. Three years ago FOPW was so concerned about this problem that it was the focus of our Annual Issues Conference. The problem was not new even then. It became noticeable as soon as enough women made it into mid-management positions for some to realize that there was no remote possibility that they would be able to rise further.

For a few years prior to our conference and thereafter in the intervening years we have received innumerable phone calls and heard by word of mouth from and about women who were experiencing the "Glass Ceiling" phenomenon. Some chose to change positions; some left their positions to start their own business; some complained, with usually bad consequences, and some sued. The public, if they hear anything at all, hear about the latter cases. We have received calls from a number of women assistant and associate professors who were denied tenure or not promoted in spite of having more publications in peer reviewed journals, more grant money and more popular classes than their male colleague who received the promotions and tenure slot positions. We have heard from women in Federal Government who were more highly qualified and doing more and better work than the men who received the promotions. And we have all heard about the women in large corporations who finally realized that men who had performance records no better, or even worse than their own, yet were receiving promotions, while they, as women, never would. A few of these women quit the corporate world and became very successful entrepreneurs.

Many women, however, must remain in their jobs for financial reasons. Make no mistake—many of them are embittered and angry about the unfairness. It is a loss to business and to organizations. It is a loss to society. It is truly unfair.

Unfair as the glass ceiling is, there is something even more demoralizing and destructive, and that is sexual harassment. It always comes as a shock. When it is continued, it is destructive and frightening. Many harassed women, even the strongest, wind up in the hospital or in therapy, only to hear words that say, "You see,

she was always disturbed—she imagines things." That, Senator, is the ultimate irony.

FOPW is an organization with 30 affiliated organizations and represents between 25 and 30 thousand women. We greatly appreciate your attention to the problem of the effects of the "Glass Ceiling" on professional women and their careers. We also hope that you will use your considerable power to bring relief to the harassment issue which has recently come into public notice. I assure you the voices on the other end of my phone are agonizing.

LETTER FROM SENATOR SIMON TO MR. MOSBACHER, SECRETARY, U.S. DEPARTMENT OF COMMERCE

U.S. SENATE,
Washington, DC, November 5, 1991.

The Honorable ROBERT A. MOSBACHER,
Secretary, U.S. Department of Commerce,
Washington, DC.

DEAR BOB: I chaired a hearing October 23, 1991 in the Senate Labor and Human Resources; Subcommittee on Employment and Productivity about the glass ceiling.

As you may know, the glass ceiling is a term that refers not to the barriers to entry into the job market, but rather to the artificial barriers that impede advancement opportunities in the workplace. Those barriers include discrimination based on ignorance, gender and racial stereotyping, and sexual harassment.

The subcommittee heard from the Department of Labor about its efforts to end this form of discrimination. I inquired if the Department of Labor knew of efforts your department was undertaking in regard to reaching out to the business community. As they were not aware of your efforts, I am writing to inquire about them. The Department of Commerce's efforts, coupled with efforts by the Department of Labor, could move this issue forward.

I would appreciate a written response to my inquiry for insertion into the formal hearing record. If you have any questions, please contact me.

Thank you for your timely attention to this matter.

My best wishes.

Cordially,

PAUL SIMON,
U.S. Senator

RESPONSE TO SENATOR SIMON'S LETTER FROM MR. SCHNABEL, ACTING SECRETARY, THE SECRETARY OF COMMERCE

THE SECRETARY OF COMMERCE,
Washington, DC, February 19, 1992.

Senator PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: Thank you for your letter to former Secretary Mosbacher on your concerns about the "glass ceiling" issue. All Americans must have the opportunity to advance to upper levels of management, which is the specific area to which the term has been applied, based upon their talents if our Nation is to realize its full competitive advantage in the international marketplace. At the Commerce Department, we have invested considerable time in urging businesses to modernize business practices through leadership and education. We believe that one result of these education efforts will be new tools to aid in the identification and reduction of barriers that impede advancement opportunities in the workplace.

In this department, I am proud to say, women already play a key role in our operations and occupy senior policy making positions. To list a few, the Assistant Secretaries for Oceans and Atmosphere; Economic Development; and Technology Policy are all women. In addition, the Acting Under Secretary for Export Administration; the Director of General for the U.S. and Foreign Commercial Service; and the Director of the Office of Business Liaison are also women.

I am convinced that the administration is on the right track in leading by example. Barriers, real and perceived, are crumbling, however, our work has not yet been completed. I am optimistic that progress will continue.

Thank you again for the opportunity to comment.

Sincerely yours,

ROCKWELL A. SCHNABEL,
Acting Secretary

PREPARED STATEMENT OF ELLEN W. OBER, BOSTON, MA

I appreciate the opportunity to contribute to your deliberations.

What is the glass ceiling? How does it operate? From my experience, I would like to make 3 points:

1. The ceiling is a subjective rather than an objective reality. At some point in the career ladder, superiors assume that all candidates for promotion are competent to do the job and pick the one with whom they are most comfortable. The employee knows she has reached a ceiling when "their comfort" or "her style" becomes the most important issue in earning her next promotion.

2. The managerial level of this ceiling in any organization will be different in different functions. In functions which are considered relatively marginal—human resources for example—the ceiling can be quite high. In functions which have traditionally provided the organization's chief executives—marketing or finance, for example—the ceiling will be significantly lower. Why? Competition for the most influential jobs starts lower in the management structure.

3. Because comfort is the critical factor in moving beyond the ceiling, the dynamics that matter are the dynamics of membership—insiders and outsiders. Knowing the informal criteria for membership, so as to be able to conform, is as important as having the skills and knowledge formally required. The criteria for membership change as one moves up. Employees who qualify for membership at lower levels may not qualify at higher levels. Insiders may guide those they perceive as eligible for membership and may be reluctant to discuss subtleties with "others." Thus insiders are likely to get feedback when they en, and others may never know they erred. It's all very subtle and very complicated.

The glass ceiling is a women's issue, but it is not only a women's issue. It limits leadership to people who will support traditional and predictable patterns, and it stifles innovation. Women innovators have left organizations to start their own enterprises. Men who choose not to conform can be severely punished, though they typically suffer in silence or deny that they wanted any other result.

How did I draw these conclusions? Here is one woman's story—or a representative slice of it.

First, a bit of context. I graduated from Bryn Mawr College in 1961 with a good liberal arts education and a strong sense of personhood and social responsibility. Unlike many of my classmates there—but like virtually all of my childhood female friends—I had no career focus. I went straight to Katharine Gibbs to learn marketable skills and thence to a secretarial job in a Wall Street law firm. After 8 years of administrative and research support jobs, plus a brief stint as a Registered Representative of the Stock Exchange, I realized opportunities for women were opening up and it was timely to consider graduate education. I chose City Planning and earned a master's degree from the University of North Carolina at Chapel Hill in 1971.

My first professional job was as a management consultant working with a small firm contracting services largely to government clients. I was their first woman professional. Measurements are clear in the consulting business: one satisfies the client, or one doesn't; and one completes the project on schedule and on budget, or one doesn't. In a number of instances, I went about my work differently than did my male colleagues and bosses, but I knew that so long as I "brought home the bacon," issues about my style might slow down but would not ultimately impede my promotion. I earned a Vice Presidency in this firm in 4 years. At the same time I sensed that my city planning degree was becoming a less and less credible credential. Clients preferred the "harder" skill set of, say, the MBA. At 35, I decided to pursue an MBA and was admitted to the prestigious Sloan Fellows program at MIT. (The degree granted is technically a Masters in Management, rather than an MBA, but the difference is trivial.) I did well at Sloan, both academically and socially, in a class filled with middle managers being developed by industry and the government for leadership positions.

Using my Sloan experience as a bridge to the private sector, in 1976 I started with Digital Equipment Corporation as Manager of Strategic Planning for Manufacturing, reporting to a member of the Vice President of Manufacturing's staff. After a year of staff work, I decided I had no legitimacy, that I needed to work in a plant, to

be a line manager, before I presumed to advise people with line responsibility. Dimly then—and much more clearly now—I think I understood why my decision to become a first-line supervisor in a plant confused the men who had hired me for a plum of a staff job where I was visible to the senior staff of Manufacturing. And the difference, I think, is a gender issue. Focused on making a substantive difference, I believed I needed to walk in the moccasins of the managers I was to advise to earn my stripes, my credibility. My male peers, however, would have valued far more highly the relationships I could make in the staff job, the "chits" I could earn for helping senior managers and then cash in for my own advantage. Some of those senior managers, I think, were dismayed by my choice but too uncomfortable to challenge it. In those days, I would not have sought their advice for fear of looking dependent or indecisive.

So off I went to the factory floor, as a first-line supervisor responsible for issuing material to production. Indulge me in a brief digression on factory roles: Any factory has production, inventory and production control personnel. Production people build or assemble products as instructed. Inventory or materials control people assure that the production people have the right parts to complete those assemblies. Production control people issue the instructions to production, trying to assure that customers are served in an order that also maximizes the use of available parts and production resources. An interesting feature of my first production role was that the plant where I went to work operated not as one entity but a collection of six business entities. Employees worked for a distinct product line, not the plant as a whole. I had a lot of trouble learning all that this meant.

As a materials supervisor, my job was to secure the parts my business needed to issue to production the orders we wanted to ship. On a daily basis, our inventory lacked a part to complete an order. I was to keep track of our inventory and spend my day swapping parts with other product lines to get what we needed today without giving up anything we might need tomorrow. What was natural for me was to approach a peer from another product line who had a part I needed, ask "What are you going to do with that part?" and evaluate whether their use was more valuable to the plant as a whole than my alternative use of that part. My concept, though, was irrelevant. I was being paid to advantage my product line at the expense of any other. What I saw as suboptimizing was seen by others as winning. Again, I doubt that any male would have had as much trouble with this as most females. We think differently about wholes and parts, and many of us compete differently as well.

My boss—also a Sloan MBA but a young male—genuinely tried to understand my difficulties but grew increasingly frustrated. Manufacturing being a pretty "basic" kind of human environment, he sought me out one day to ask, with humor but exasperation, "Ellen, where are your balls?" When I responded, "Inside," my manufacturing "Godfather" hauled me into his office to tell me I had destroyed my boss' "face" in the plant. I was stunned. I thought that for once I had come up with the appropriate sort of banter and humor at the moment (rather than in the replay of my dreams). My Godfather, however, could think of no redress. Was this a minor error or a major one? I never knew, but it haunts me.

By my own admission, I failed miserably in this role. Luckily, the next year, corporate manufacturing decided Digital had to pool inventories and production resources. My plant was reorganized. Product lines retained minimal staff to service their customers. Production resources and materials were pooled and centralized, and a new production control organization was created to mediate between the product lines and the centralized resources. My Godfather helped me get one of the three managerial jobs in the new production control organization. For all kinds of predictable human reasons, the product lines wanted the central functions to fail. Personnel they released for reassignment felt abandoned to the slaughter, doomed to failure. Managers of the central functions acquired a demoralized workforce and perceived they were likely to struggle for nought. Digital then as now was so decentralized that the senior managers in corporate manufacturing who had ordered the reorganization took a hands off posture and left it to the locals to sink or swim. At the time I knew that if the odds had been favorable, an insider would have been chosen for the job; opportunities this good were available to newcomers or outsiders only when ambitious insiders turned them down because they were too risky. What I treasured was that I knew very well that long odds can be liberating. As the drugstore poster says, "If life gives you lemons, make lemonade." The organizational equivalent was that the product lines were so certain that the central folks would fail that they wouldn't defend themselves. I had a window of opportunity if I acted quickly.

Reassuring, too, was the knowledge that the results were measurable. Just as in my consulting days, I knew my style was different, but I counted on the fact that

my organization would have clear goals and could measure progress daily. I thought that our performance would be measured objectively, not subjectively. My first act was to structure a daily report for the product lines telling them exactly what we were doing, so that the plant manager and product line managers could redirect our efforts as they wished. The report, however, was ignored. "Too complicated," they said. With the wisdom of hindsight, I would answer today, "No, too clear—no room for fudge factors and brute force." Neither the plant manager nor the product line managers issued any direction on what they wanted and dodged all attempts to negotiate goals. By corporate measures, however, the plant had goals for shipping a certain dollar value of orders every month and quarter. All of the central organizations came to the same conclusion to meet corporate goals until our resident clients decided to state their own.

And by corporate measures, we succeeded.

For me these were heady days. My management style demands accountability but offers respect and the benefit of the doubt until that's proven foolish. I loved the factory, loved tangible work and the human drama. My production control organization had eighty employees and responsibility for issuing $650 million annual orders (1978 dollars). Job descriptions were straightforward. I could specify for every job the measurements of success and a few early warning signals for corrective action. The personnel I inherited from the product lines were not used to this kind of clarity. In their old jobs they had served at the pleasure of their bosses and had little control of their work lives. I knew the change would be a shock. I expected many of them to have trouble being held accountable. Very few did, and in a rapidly growing company, it was easy to find them jobs in which they could succeed. Within a matter of months, my staff was humming. Heads were up, shoulders were back, they were showing some self-respect. We were getting results consistently and were having fun.

The major problem my staff had was that I insisted that they operate collaboratively, rather than competitively, with their former product line peers. Armed with timely and comprehensive information, they were expected to negotiate conflicts and if shouted at, not shout back but use information to resolve the dispute. After a year, though, I had to recognize that in the culture of manufacturing, we had been engaged in a war: product lines vs. the central functions. The central functions had earned a victory, but I wasn't letting my guys claim it. They had been humiliated when their former product line bosses released them to the central hiring pool, and they needed to swagger a bit and rub the noses of their former colleagues in the success of the central staffs. So I decided that I had accomplished what I most enjoyed in having established the function, I could move on and hand over the leadership to someone who would lead their charge to claim their victory in their terms. My direct reports were supportive of me but greatly relieved at this news. I realized how tired they were of restraining their aggressive instincts.

What surprised me totally was to find out that the results I had achieved were not valued, that all conversations about my performance were focused on my style, and only my style. I had decided that I loved manufacturing enough to want to become a plant manager and saw that as a goal I could achieve in 5 to 10 years. Yes, I knew that plant manager jobs were the crown jewels in manufacturing and the competition would be stiff. I also knew that some influential Digital manufacturing managers were looking at different ways of organizing manufacturing-teams, high performance work systems, and so forth. Those efforts looked like fertile soil for change and congenial for a manager with a style like mine. I had learned I wouldn't "fit" in the old-style manufacturing culture, where in the vernacular one must "kick ass and take names." I saw myself succeeding in the next generation of manufacturing ventures and thought I had proved myself a contributor against fairly high odds. My supporters, however, had succeeded by the old rules and were disquieted by my quest. Implicitly they offered to make me a star, provided that I would do it just as they did. Explicitly, I tried to reassure them that there was room in manufacturing for both styles and that I couldn't change mine without surrendering values that were central to me. (Because Digital talks about values all the time, this statement was not so idealistic as it may appear out of that context.) No matter how I maneuvered, though, I couldn't move up without compromising my core values. I had no connections to the emerging leaders who might have been more receptive.

With considerable reluctance, I moved out of manufacturing operations into a senior human resource role advising manufacturing organizations. Relevant to the purpose of this statement is that in two moves I jumped about six levels of management in changing functions. In human resources, the ceiling was that much higher than in manufacturing operations! The company valued my line experience so long

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as I would use it in an advisory role, rather than insist on building directly on that foundation. In human resources I was entrusted with leading a significant change. I valued that experience.

As I was leaving women did achieve plant manager's jobs at Digital. Looking back, I wonder if I could have succeeded. I doubt it. Those who succeeded had demonstrated repeatedly that they were unlikely to do anything differently than had their male predecessors, and I could not have made the same bargain. I believe, however, that I could have become an extraordinary plant manager. So could many of my male peers who had more innovative styles. None of us had the chance.

In 1986 I left Digital and the corporate world. I worried about "copping out." After all, shouldn't I have been challenging for major leadership positions, perhaps a Board of Directors or two before I retired? My dilemma was that I wanted work in which I would succeed or fail as myself, not an artifact of myself created to appease superiors I did not want to emulate.

The happy ending to this story is that I've found that work. I'm directing admissions for the only MBA program designed for women, the Simmons College Graduate School of Management in Boston. We teach women to decode the mysteries of white male culture, so that they will be better able to deal with issues of style and fit and transcend glass ceilings. Our alumnae succeed.

Still, glass ceilings assure that organizational power will be closely held by white males with a certain style. Small numbers of women and others will gain membership to the extent they can successfully emulate the insiders and assuage their fears of change. That membership, however, is tenuous, not durable, and the price is a price I'm not willing to pay. American businesses are no longer the most successful in the world. It's time for change.

Senator SIMON. The hearing stands adjourned.

[Whereupon, at 4:19 p.m., the subcommittee was adjourned.]

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